



## AGENDA

Zoning Board of Appeals/Planning Commission

**Tuesday, May 25, 2021, at 6:00 pm**

Evans Community Complex, City Council Chambers, 1100 37<sup>th</sup> Street

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### ZONING BOARD OF APPEALS

1. **CALL TO ORDER:**

2. **ROLL CALL:**

Chairman: Lyle Achziger  
Vice-Chairman: Kalen Myers  
Commissioners: Billy Castillo  
Mark LeClere  
Robert S. Phillips, III  
David Woolman

3. **APPROVAL OF THE MINUTES:** 12/22/2020

**\*\*Motion/Vote:**

4. **PUBLIC HEARING:** Hojio Variance, 4300 Industrial Parkway, Case No. 20-VA-02  
Anne Best Johnson, Community Development Director

5. **ADJOURNMENT:**

**\*\*Motion/Vote:**

### PLANNING COMMISSION

1. **CALL TO ORDER:**

2. **ROLL CALL:**

Chairman: Lyle Achziger  
Vice-Chairman: Kalen Myers  
Commissioners: Billy Castillo  
Mark LeClere  
Robert S. Phillips, III  
David Woolman

3. **APPROVAL OF THE AGENDA:**

**\*\*Motion/Vote:**

4. **APPROVAL OF THE MINUTES:** 12/22/2020

**\*\*Motion/Vote:**

5. **PUBLIC HEARING:** Hojio Special Use Permit, 4300 Industrial Parkway, Case No. 20-USR-03  
Anne Best Johnson, Community Development Director



6. **PUBLIC HEARING**: Baker Special Use Permit, 922 37<sup>th</sup> Street, Case No. 20-SP-10  
Anne Best Johnson, Community Development Director
7. **PUBLIC HEARING**: Sign Code, Case No. 20-CODE-06  
Anne Best Johnson, Community Development Director
8. **MOTION TO ADJOURN**:  
\*\*Motion/Vote:



## AGENDA

### Zoning Board of Appeals/Planning Commission

**Tuesday, December 22, 2020, at 6:00 pm**

Evans Community Complex, City Council Chambers, 1100 37<sup>th</sup> Street

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### ZONING BOARD OF APPEALS

1. **CALL TO ORDER: 06:00 pm**
2. **ROLL CALL: 06:00 pm**  
Chairman: Lyle Achziger – present  
Vice-Chairman: Kalen Myers – not present  
Commissioners: Billy Castillo – present  
Mark LeClere – present  
Robert S. Phillips, III – present
3. **APPROVAL OF THE MINUTES: 11/24/2020 06:01 pm**  
**\*\*Motion/Vote:** Motion to approve the minutes from the 11.24.2020 meeting (LeClere).  
Second (Castillo). Motion passes unanimously.
4. **ADJOURNMENT: 06:01 pm**  
**\*\*Motion/Vote:** Motion to adjourn (Castillo). Second (LeClere). Motion Passes unanimously.

### PLANNING COMMISSION

1. **CALL TO ORDER: 06:01 pm**
2. **ROLL CALL: 06:01 pm**  
Chairman: Lyle Achziger – present  
Vice-Chairman: Kalen Myers – not present  
Commissioners: Billy Castillo – present  
Mark LeClere – present  
Robert S. Phillips, III – present
3. **APPROVAL OF THE AGENDA: 06:02 pm**  
**\*\*Motion/Vote:** Motion to approve agenda (Castillo). Second (Phillips). Motion passes unanimously.
4. **APPROVAL OF THE MINUTES: 11/24/2020 06:02 pm**  
**\*\*Motion/Vote:** Motion to approve the minutes from the 11.24.2020 meeting (Castillo).  
Second (LeClere). Motion passes unanimously.
5. **2021 PLANNING FORECAST: 06:03 pm**  
Anne Best Johnson, Community Development Director  
Lauren Richardson, Staff Planner



Discusses upcoming Planning issues that will be coming before Planning Commission: Sign Code, Accessory Uses and Structures, Non-conforming Situations, Oil and Gas, US 85 Corridor Zoning and Development Standards (work session with January 19, PC invited, Master Plan Steering Committee will be looking at this in detail), Certification Blocks, Minor Developments, 1041 Activities, Annexation, Convenience Store locations, possibility of greater diversity of housing types—pending outcome of current housing analysis, Short-term Rentals, Land Use Tables and Bulk Density Tables.

Recommended changes to Code have now passed City Council.

On January 14, Trails and Transportation team Fehr & Peers.

Upcoming work session on Economic Development on January 26, 2021. Katy Press will be at that work session. Jason Maxey will tell us how Weld County is dealing with the new setbacks and rules. Evans will want to know what we can do to allow Oil and Gas—we are oil and gas friendly. No current setback from abandoned wellhead in the Code. A few things we need to consider.

January 28, Master Plan Steering Committee meeting with Ayers Associates.

February 11, Fehr & Peers – finalize current state analysis of trails and transportation.

Staff is getting interest from individuals who want to begin development that does not meet the intent of the Code. If and when Staff brings a case before Planning Commission

Phillips: Home-based businesses. Because of COVID, a lot of commercial businesses are not reopening, they're just working at home now. They're working virtually running a business.

Answer: That would be deemed a home occupation. That's where a space in a home is dedicated to work space. Service-based work that does not generate local traffic with its nuisance outcomes, then I don't need any paper. A home business—something that generates traffic or parking or customers that come and go. If you're a welder and you want to weld on the weekends, people are bringing their cars in and you're creating heat and light and noise. But a home occupation is just a one-page, free application. If there are any questions from the neighbors, we can look it up and reassure them.

Achziger: Have you heard any complaints like that?

Answer: We've had a couple complaints. One individual was doing tutoring, so they came in and filled out the form. Another

Achziger: Because of COVID, people are being required to do things at home that they ordinarily wouldn't. There ought to be a way to address that.

Answer: If people are just telecommuting,

Achziger: So what do you tell someone who complains about that?

Answer: We would tell them we don't care. If there was a concern we would go investigate

Achziger: Upcoming discussions, if a developer want to open up a new business that one of these topics might affect their development, would you accelerate that discussion? Or just let them develop under current Code?



Answer: We don't enforce anything until it's Code. Example: Accessory structure on property to take care of aging parents. Can't regulate what-ifs. I would just tell them we're looking at that, stick with us. But we don't have anything now, but here's an alternative.

LeClere: You talked about us going against staff recommendations. Does that open the City up to litigation?

Answer: That's a great question. Staff needs to talk to the City Attorney about that. If you make a finding against the Code, then yes, that could open the City up to litigation. Variances are written very narrowly. An example is a PUD zone. That is essentially an exception to the Code for a situation that still meets the intent of the code. Your findings can't be capricious.

I'll ask the assistant City Attorney to come in in January and we'll talk about that.

Phillips: Can you ask him to address what happens when there is a conflict of interest with City Council?

Answer: When you will gain monetarily from a decision that is made, you need to excuse yourself. If there is even a hint that you are voting that way because of a friend or a previous employment situation, you should disclose that, recuse yourself, and leave. Even an appearance of trying to sway the vote of the others.

Achziger: That gets tough.

Phillips: We had a couple of guys who were working...

Achziger: If I have to ask the question, then I recuse myself. If there is even a perception that you have a conflict of interest, you should step out. It's not worth it.

6. **MOTION TO ADJOURN: 06:38 pm**

**\*\*Motion/Vote:** Motion to Adjourn (Castillo). Second (Phillips). Motion passes unanimously.

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# BOARD OF ZONING APPEALS

## AGENDA REPORT

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**DATE:** May 25, 2021

**SUBJECT:** Variance to allow reduced side and front yard setbacks for property located at 4300 Industrial Parkway

**PRESENTED BY:** Anne Best Johnson, Community Development Director

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### ITEM DESCRIPTION:

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The applicant, H & H Excavation, is requesting a variance on property located at 4300 Industrial Parkway. The property is outlined on the aerial below.



Two variance requests have been made.

1. In the I-1 zone district the minimum side setback is 30 feet. The applicant has requested that this setback be reduced to 10 feet. This would allow for the creation of a shop building and better circulation of the site. The encroachment into the side setback area would be 20 feet.

2. In the I-1 zone district the minimum front setback is 25 feet. The applicant has requested that this setback be reduced to 11.9 feet at the closest point. The proposed front setback would vary from 10 feet to 25 feet due to the curve of the northern property line. The proposed variance would allow for the creation of the proposed shop building at the northern side of the property. The encroachment into the front setback would be 13.1 feet.

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If the variance is approved, the applicant will have use of 16,800 +/- square feet of the 0.57 +/- acre property vs. 7,700 +/- square feet of the property if the variance request is denied. Strict adherence to the dimensional standards of the Industrial Zone District would make this property unusable for any use other than outdoor storage.

Attachment 1 contains application narrative for the Special Use Permit as well as the Variance request. The Board of Zoning Appeals does not have approval authority over the Special Use Permit. Planning Commission will hear the Special Use Permit at a future land use hearing should the Board of Zoning Appeals approve the Variance request.

The intent of the variance process can be found in Section 18.06.100 which states, “Variances are deviations from the dimensional requirements, design or numerical requirements or limitations and other provisions of this Title, not related to use of the property, that would not be contrary to public interest when, owing to special circumstances or conditions, the literal enforcement of the provisions of this Title would result in undue and unnecessary hardship. Variances shall only be granted in accordance with the terms of this Section.”

Section 18.06.100.C provides instructions on procedure for variance requests. The applicant’s submittal package was deemed substantially complete on December 9, 2020. Development Standards and Conditions of Approval address items to be completed prior to recording.

Section 18.06.100.D provides the criteria for a variance to be followed by City Staff when reviewing a Site Plan Application. See dates below illustrating compliance.

- The application was received on December 9, 2020 and received approval through the Completeness Review process on December 15, 2020.
- Referral agencies were noticed of the application on December 15, 2020.
- Surrounding property owners within 500’ of the property were noticed by first class mail on May 12, 2021.
- The property was posted with a sign noticing the hearing on May 14, 2021.

The Criteria for a Variance can be found in Section 18.06.100.D. The Criteria is found below:

1. All of the following circumstances must be determined to be true in order to approve a variance:

a. Approval of the variance would not jeopardize the health, safety or welfare of any person;

Findings: The minimal variances requested do not jeopardize the health, safety or welfare of any person. City Staff and referral agencies have reviewed this application and find no conflicts.

b. The grant of variance is the minimum variance that will make possible the reasonable use of the parcel, building or structure;

Findings: This statement is true. Strict adherence to the setback requirements would not allow for enough building space and would provide poor site circulation that is not suitable for industrial type uses. Setback comparisons can be found in the Site Plan titled Attachment 2.

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- c. Literal interpretation and enforcement of the terms and provisions of this Title would deprive the applicant of rights commonly enjoyed by other parcels in the same zoning district and would cause the applicant unnecessary hardship, as distinguished from mere inconvenience. In determining whether an applicant's rights would be deprived, the Board of Zoning Appeals and the City Council shall consider whether either of the following conditions apply:
- (1) There are special conditions and circumstances that are unique to the parcel, building or structure, that are not applicable to other parcels, structures or buildings in the same zone district and that do not result from the actions of the applicant; or
  - (2) Granting the variance will not confer upon the Applicant any special privilege denied by the Evan Comprehensive Plan and the terms of this Title to other parcels, buildings or structures, in the same zone district.
- Findings: Due to the site constraints of the narrow shape of the property, the requested variances are not providing a special privilege.
- d. Such practical difficulty and unnecessary hardship have not been unreasonably self-imposed by the applicant.
- Findings: This statement is true. On the front setback variance, the permanent structure is encroaching 13.1 feet. On the side variance, the setback is encroaching 20 feet. Staff has found that site conditions were not reasonably imposed by the applicant.

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**FINANCIAL SUMMARY:**

There are no negative implications of approving this Variance request.

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**RECOMMENDATION:**

Staff recommends that Planning Commission forward a motion of approval of the Variance Request to City Council.

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**SUGGESTED MOTIONS:**

*"I move to recommend approval of Resolution No. 10-2021 to City Council for their consideration."*

*"I move to recommend denial of Resolution No. 10-2021 to City Council for the reasons stated."*

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**ATTACHMENTS:**

Attachment 1: Variance and Special Use Permit Narrative

Attachment 2: Variance exhibit

Attachment 3: Resolution 10-2021



**ALLES TAYLOR & DUKE, LLC**  
**LICENSED PROFESSIONAL ENGINEERS**  
**LICENSED PROFESSIONAL LAND SURVEYORS**

3610 35TH AVE. UNIT #6  
EVANS, 80620  
970-330-0308

November 30, 2020

**Attn:**

City of Evans – Planning Division  
1100 37<sup>th</sup> Street  
Evans, CO 80620

**Subject:**

Variance Request & Site Plan Review application for Lot 12, Block 4 of Evans Industrial Park  
4300 Industrial Parkway  
Southeast Corner of Industrial Parkway & 43<sup>rd</sup> Street  
Northern Exposure Investments, LLC

The submitted application is for a proposed Site Plan Review (SPR) of Lot 12, Block 4 of Evans Industrial Park for H&H Excavating, LLC (H&H). H&H is owned and operated by Mike and Rose Hojio whom also own Northern Exposure Investments, LLC, which owns the subject property. Lot 12 was purchased by the Northern Exposure Investments, LLC in July of 2019 and has since been used by H&H for parking/outdoor storage of their excavation equipment, trailers, and construction material. The proposed site development is for a contractor yard including a storage/maintenance building with an outdoor storage yard. The building will provide shelter from the elements for H&H's equipment that is more sensitive to the elements.

Existing Site Conditions

The subject property is +/- 0.58 acres of undeveloped land zoned I-1. The property is bounded on the north side by 43<sup>rd</sup> Street and Industrial Parkway. The west, south and east sides of the property are bounded by other undeveloped I-1 zoned properties that are being similarly used. There is a 6 ft chain link fence around the perimeter of the property. The ground is native soil with sparse native vegetation and an average slope of 3% from northwest to southeast. There is one gated access point to Industrial Parkway at the northwest corner of the property from Industrial Parkway. Water, sanitary sewer, electrical, and telecommunication utilities exist adjacent to the property. There is a 10' wide utility and drainage easement straddling the southern property line that runs east-west across Block 4. It does not appear that any utilities exist in the easement based on locates done during site design.

Proposed Development

H&H would like to develop the subject property into a contractor's yard. The proposed development will include a ±2,816 ft<sup>2</sup> metal building for storage/maintenance of equipment, landscaping along the north property line, all-weather surface across the property and a detention pond. Approximately 11,600 ft<sup>2</sup> of total outdoor storage area (46.1% of the gross area) on-site. The building will have a bathroom and electrical service, however there will not be any fulltime on-site employees or public visitors to the site. For this reason, there are only two unpaved parking stalls provided for the building. The site access is proposed to be relocated to the northeast corner of the property providing access to 43<sup>rd</sup> Street. Site grading and a detention pond are included in the site design. The detention pond will provide 5,647 ft<sup>3</sup> of storage to mitigate excess runoff due to development. Due to a relatively flat topography on the property, the detention pond will have retaining walls below existing grades with a pumped outlet.





- a. *The proposed use is found to be unlikely to harm the health, safety or welfare of the City or its residents.*

The proposed use is for a contractor's yard with a shop building for a local excavation company in the Evans Industrial Park. Proximity and nearly direct access to Highway 85 makes the location ideal to keep traffic generated by the use on the highway system and away from residential neighborhoods.

- b. *The proposed use would benefit the City in terms of employment, tax revenue or other similar effects, as compared to the absence of the proposed use.*

H&H has operated in Evans for several years and would like to continue operating in Evans while expanding their operations.

- c. *The proposed use shall be consistent with the Comprehensive Plan and shall be compatible with the surrounding area.*

Per Map 1 "Future Land Use Plan" in the City of Evans' Comprehensive Plan, the subject property is located within the industrial park area. A contractor's yard fits well within the intended use of the industrial park as described in chapter 3 of the comprehensive plan. The proposed use is similar and complimentary to adjacent businesses and land uses. All property in the immediate area is also zoned for industrial use, with most of it being undeveloped but used in some capacity.

- d. *The location, size, design and operating characteristics of the proposed use shall be compatible with the existing and proposed future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity. Reasonable conditions may be placed on uses by special review to protect the public health, safety and welfare by mitigating impacts.*

The proposed use will generate relatively little traffic. Equipment and materials will be loaded/unloaded on-site based on project needs and timelines. The property will likely see infrequent visits for transporting stored items, and periodically 1-2 employees will work at the site doing routing maintenance in the shop building.

- e. *The site shall be physically suitable for the type and intensity of the proposed land use.*

The subject property is of adequate size to accommodate the proposed use and associated detention pond. Proposed grades across the site are an average of 2.5% which is low enough to prevent major erosion of the proposed gravel surface while still being functional.

- f. *The proposed land use shall not adversely affect traffic flow and parking in the neighborhood.*

The proposed development will generate relatively low and infrequent traffic volumes compared to the capacity of the adjacent road network. Also, only company vehicle and equipment will travel to the site since the use isn't intended for public visitation. All vehicles traveling to the site will be parked on-site.



- g. *The location of other approved special uses in the neighborhood shall be determined, in order to avoid an over-concentration of such uses.*

Two lots to the east of the subject property are also in the Special Use Review process for outdoor storage in excess on 10% of the gross area of the property. However, industrial uses typically include large outdoor storage areas to accommodate common industrial zone district uses. The request for more outdoor storage area is consistent with the character and intent of industrial zoning.

- h. *Mini-Storage Units (Does not Apply)*
- i. *Car Wash Facilities (Does Not Apply)*
- j. *Oil & Gas Facilities (Does Not Apply)*
- k. *Outdoor Storage shall comply with the following standards:*
1. *Reviewed through special use review process.*
  2. *Maximum outdoor storage as a primary use shall be limited to three (3) acres. If parcel is larger than three (3) acres, up to a maximum of three (3) acres may be used for outdoor storage use. The total of all tenant's outdoor storage shall not exceed three (3) acres.*
  3. *Special Use approval shall be for terms no longer than five (5) years; any extension beyond five (5) years shall require a new special use review application and review process.*
  4. *Design standards may be increased as a condition of approval, including but not limited to enhanced screening, landscaping, and limitations on height of material storage.*
  5. *Special Use Review approval may be transferred due to sale or lease of property, subject to storage of same material does not change.*

#### Variance

The proposed site plan will require a variance from zoning code to utilize the site as proposed. The variance request is described below.

1. Per Evans Municipal Code Section 18.04.080(E)  
*"Industrial Zone Districts Dimensional Standards"*

The setback requirements for I-1 zoned properties are:

- Min. Front = 25'
- Min. Side = 30'
- Min. Rear = 20'

If the setbacks are strictly followed on Lot 12, there is only 7,700 ft<sup>2</sup> of buildable area remaining on the property after the setback area is deducted. The widest spot of that buildable area is 47' and the length is over 220', leaving a narrow long opening for a possible building. The setbacks also force the building to be relatively centered on the lot heavily restricting site circulation around the building and to the rear of the lot. The size and shape of the lot is not ideal for most industrial uses that require lots of space for on-site circulation and storage of large items. Reference Figure 1 below for an exhibit showing the setbacks and building area.



industrial uses that require lots of space for on-site circulation and storage of large items. Reference Figure 1 below for an exhibit showing the setbacks and building area.



Figure 1. Existing and Proposed Setback Exhibit

The proposed side lot setback is 10', and the front lot setback would vary from 10' to 25' due to the curve of the northern property line. This would allow for 16,845 ft<sup>2</sup> of buildable area. The proposed building would also fit in the northwest corner of the lot allowing for better site circulation and utilization of the property.

The variance request is permissible per section 18.06.100(B.1d & e). The requests also meet the criteria established in subsection D of the same section as explained below.

*1a. Approval of the variance would not jeopardize the health, safety, or welfare of any person.*





*1b. The grant of variance is the minimum variance that will make possible the reasonable use of the parcel, building or structure.*

In order to develop the property with a building, the setbacks would have to be adjusted to fit a building usable with an industrial style company. The current setbacks restrict the property to a point that it is impossible to construct a building suitable for industrial uses. All other criteria for general site design was followed with the proposed development.

*1c. Literal interpretation and enforcement of the terms and provisions of the Title would deprive the applicant of rights commonly enjoyed by other parcels in the same zone district and would cause the applicant unnecessary hardship, as distinguished from mere inconvenience. In determining whether an applicant's rights would be deprived, the Board of Zoning Appeals and the City Council shall consider whether either of the following condition apply:*

- 1. There are special conditions and circumstances that are unique to the parcel, building or structure, that are not applicable to other parcels, structures or buildings in the same zone district and that do not result from the actions of the applicant; or*

While the situation on Lot 12 is typical of other lots within Evans Industrial Park, in most cases several lots are owned and used by the same person company resulting in an appearance of larger lots within the subdivision. Most of those lots do not include structures and are used just for outdoor storage. As lots become developed under current zoning standards this situation will happen frequently unless multiple lots are combined through a minor subdivision process.


- 2. Granting the variance will not confer upon the Applicant any special privilege denied by the Evans Comprehensive Plan and the terms of this Title to other parcels, buildings, or structures, in the same zone district.*

*1d. Such practical difficulty and unnecessary hardship have not been unreasonably self-imposed by the applicant.*

The need for a variance to building setback criteria is the result of the size and shape of Lot 12 as subdivided in 1975. Since then development standards and industry practices have gone through considerable changes resulting in the typical lot with the original subdivision being inadequate for industrial use.

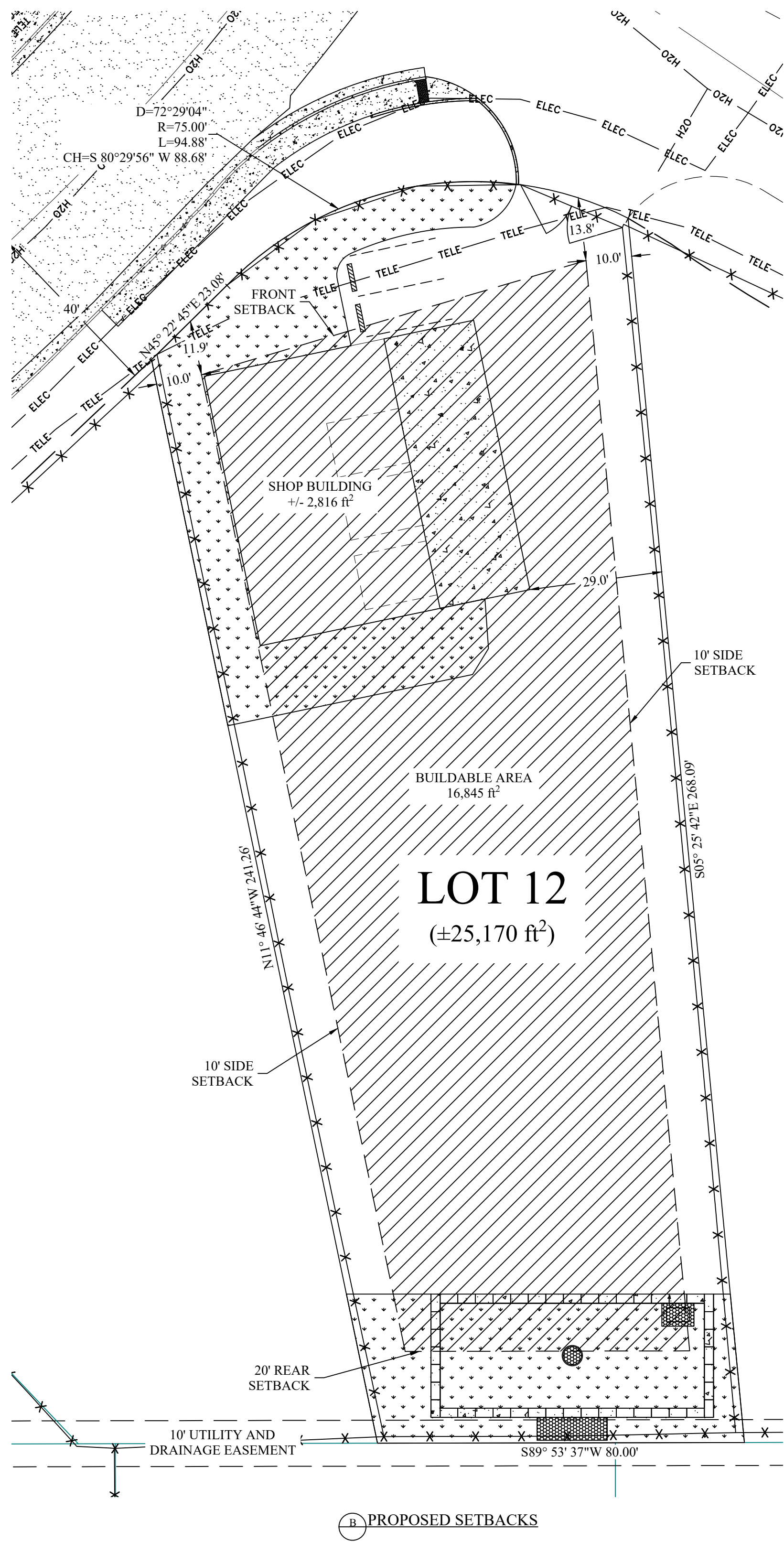
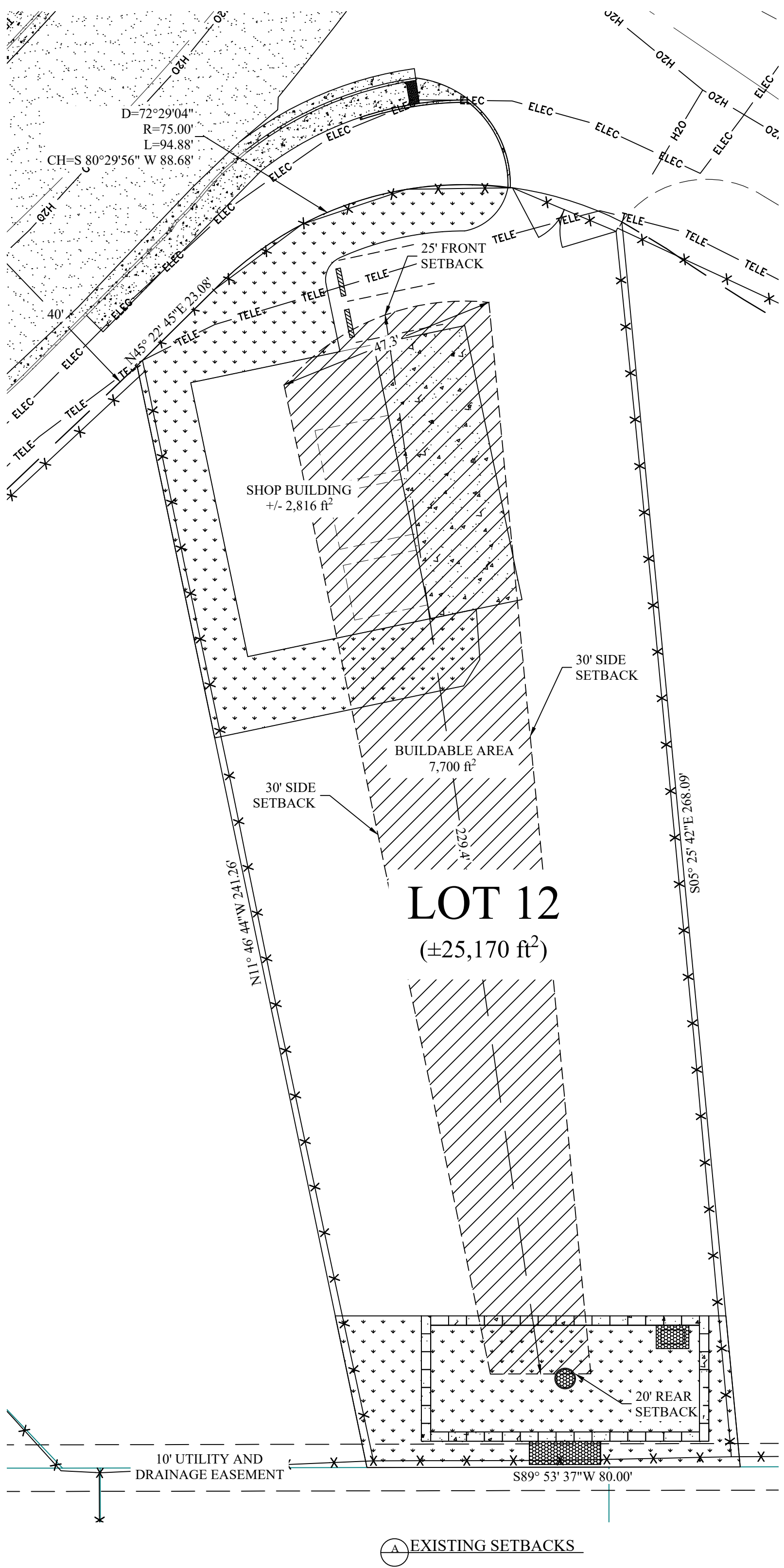
Thank you,

  
TJ Heupel  
E.I. 68656

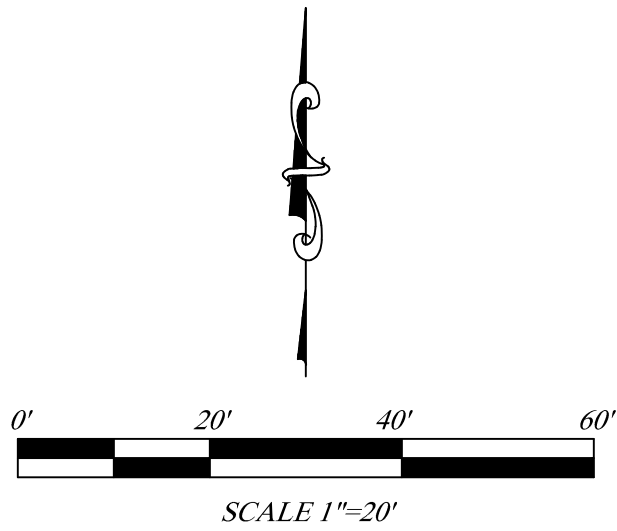
  
Mark Taylor  
P.E. 46065

4300 INDUSTRIAL PARKWAY - VARIANCE EXHIBIT

LOT 12, BLOCK 4 OF EVANS INDUSTRIAL PARK, LOCATED IN PART OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO



- NOTES:
- OUTDOOR STORAGE AREA TO INCLUDE EXCAVATION EQUIPMENT, UTILITY HARDWARE, CONSTRUCTION MATERIAL, FLEET VEHICLES, EQUIPMENT TRAILERS AND TANDEM-AXLE DUMP TRUCKS. ON-SITE FUEL TANKS REQUIRE ADDITIONAL PERMITTING BY THE FIRE PROTECTION DISTRICT.
    - LOT 12 STORAGE AREA = 11,817 ft<sup>2</sup> (46.9%)
  - LOT COVERAGE
    - BUILDING AREA = 2,400 ft<sup>2</sup> (9.5%)
    - CONCRETE AREA = 1,534 ft<sup>2</sup> (6.1%)
    - GRAVEL AREA = 16,116 ft<sup>2</sup> (64.0%)
    - LANDSCAPE AREA = 5,120 ft<sup>2</sup> (20.3%)
- TOTAL LOT AREA = 25,170 ft<sup>2</sup>
3. VARIANCE REQUEST
- 3.1. PER SECTION 18.04.080(E), INDUSTRIAL ZONE DISTRICT DIMENSIONAL STANDARDS THE SETBACK REQUIREMENTS FOR I-1 ZONED PROPERTIES ARE:
- MIN FRONT SETBACK = 25 ft
  - MIN SIDE SETBACK = 30 ft
  - MIN REAR SETBACK = 20 ft
- STRICT ADHERENCE TO THE SETBACK REQUIREMENTS WOULD RESULT IN 7,700 ft<sup>2</sup> OF BUILDABLE AREA OR 30.6% OF THE LOT. THE BUILDABLE AREA IS ALSO VERY LONG AND NARROW AS WELL AS CENTERED MAKING FOR AN AWKWARD BUILDING WITH POOR SITE CIRCULATION NOT SUITABLE FOR MOST INDUSTRIAL TYPE USES.
- REQUEST A VARIANCE TO 18.04.080(E) FOR 20 FEET OF ENCROACHMENT IN THE SIDE SETBACK, AND 13.1 FEET OF ENCROACHMENT IN THE FRONT SETBACK BY THE PROPOSED BUILDING.



LEGEND	
	= CONCRETE
	= SOIL RIP-RAP AREA
	= LANDSCAPE AREA
	= ASPHALT
	= PROPERTY LINE
	= EASEMENT LINE
	= FENCE
	= EDGE OF ROAD/GRAVEL
	= ROAD CENTERLINE
	= RIGHT-OF-WAY LINE
	= PROPOSED PARKING STALL
	= POTABLE WATER MAIN
	= SANITARY SEWER MAIN
	= TELECOMMUNICATION LINE
	= ELECTRICAL LINE
	= GAS LINE

SETBACK VARIANCE EXHIBIT  
4300 INDUSTRIAL PKWY  
LOT 12, BLOCK 4 EVANS IND. PARK  
EVANS, CO 80620  
COUNTY OF WELD  
COLORADO  
SE 1/4, OF SEC. 30, TWN. 5 N, RING 65 W

REVISIONS		CHK'D
No.	DATE	DESCRIPTION
0	5/10/21	FINAL EXHIBIT ISSUED FOR APPROVAL
		TJH

DESIGNED BY:	TJH
DRAWN BY:	TJH
CHECKED BY:	MAT
DATE	05/10/2021
PROJECT NO.	2019-098

ALLES TAYLOR & DUKE, LLC  
VARIANCE REVIEW EXHIBIT  
3610 35th Ave., Unit 6  
Evans, Colorado 80620  
(970) 330-0308

ALLES TAYLOR & DUKE, LLC  
3610 35th Ave., Unit 6  
Evans, Colorado 80620  
(970) 330-0308  
ENGINEERING & LAND SURVEYING SERVICES



**CITY OF EVANS, COLORADO**

**RESOLUTION NO. 10-2021**

**A RESOLUTION APPROVING A VARIANCE REQUEST FOR SIDE YARD  
AND FRONT YARD SETBACKS FOR PROPERTY LOCATED AT 4300  
INDUSTRIAL PARKWAY**

**WHEREAS**, the City Council of the City of Evans, Colorado, pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado; and

**WHEREAS**, Northern Exposure Investments, LLC (“the Owner”) is the owner of certain property located at 4300 Industrial Parkway, located in the City of Evans (the Property); and

**WHEREAS**, the Property is currently zoned I-1, Light Industrial; and

**WHEREAS**, the minimum side setback in the I-1 Zone District is thirty (30) feet; and

**WHEREAS**, the minimum front setback in the I-1 Zone District is twenty-five (25) feet; and

**WHEREAS**, the Owner desires to construct a building on the property encroaching into the both the side yard and front yard setback. The applicant has requested a Variance to allow the side yard setbacks to be ten (10) feet and the front yard setback to range between eleven (11) and thirteen (13) feet; and

**WHEREAS**, the Owner desires to construct a new building and parking lot encroaching on the minimum side setback by twenty (20) feet, and encroaching on the front yard setback by a minimum of thirteen (13) feet; and

**WHEREAS**, the Owner has submitted an application to the City seeking a Variance from the front yard and side yard setbacks to allow the construction of the Improvements; and

**WHEREAS**, staff has reviewed the application and deemed it to satisfy all requirements for Variance under the Evans City Code, including but not limited to Sections 18.06.100; and

**WHEREAS**, the matter has been submitted to the required referral agencies for comment and staff has determined that the Applicant has adequately addressed all

concerns raised by the referral agencies; and

**WHEREAS**, the City has notified surrounding landowners within 500 feet concerning the Application; and

**WHEREAS**, on May 25, 2021, the Applicant's Variance was considered by the Evans Zoning Board of Appeals which recommend approval of the Variance; and

**WHEREAS**, the following proper notice was considered by the Evans City Council at a public hearing on June 15, 2021 during which the Council considered the application, the comments of City staff, Planning Commission's recommendation, public comments in support of the application, if any, and public comments in opposition to the application, if any.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO AS FOLLOWS:**

1. All of the following circumstances must be determined to be true in order to approve a Variance request:
  - a. Approval of the variance would not jeopardize the health, safety or welfare of any person;
  - b. The grant of variance is the minimum variance that will make possible the reasonable use of the parcel, building or structure;
  - c. Literal interpretation and enforcement of the terms and provisions of this Title would deprive the applicant of rights commonly enjoyed by other parcels in the same zoning district and would cause the applicant unnecessary hardship, as distinguished from mere inconvenience. In determining whether an applicant's rights would be deprived, the Board of Zoning Appeals and the City Council shall consider whether either of the following conditions apply:
    - (1) There are special conditions and circumstances that are unique to the parcel, building or structure, that are not applicable to other parcels, structures or buildings in the same zone district and that do not result from the actions of the applicant; or
    - (2) Granting the variance will not confer upon the Applicant any special privilege denied by the Evan Comprehensive Plan and the terms of this Title to other parcels, buildings or structures, in the same zone district.
  - d. Such practical difficulty and unnecessary hardship have not been unreasonably self-imposed by the applicant.

2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

3. Repeal. Existing resolutions or parts of resolutions covering the same matters embraced in this Resolution are hereby repealed and all resolutions or parts of resolutions inconsistent with the provisions of this Resolution are hereby repealed.

**PASSED AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS 15<sup>th</sup> DAY OF JUNE, 2021.**

ATTEST:

CITY OF EVANS, COLORADO

\_\_\_\_\_  
Julie Kamka, City Clerk

BY: \_\_\_\_\_  
Brian Rudy, Mayor

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# PLANNING COMMISSION AGENDA REPORT

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**DATE:** May 25, 2021

**SUBJECT:** Special Use Permit for Office, Maintenance and Outside Storage at 4300 Industrial Parkway, in the I-1 Zone District

**PRESENTED BY:** Anne Best Johnson, Community Development Director

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## ITEM DESCRIPTION:

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The applicant, H & H Excavation, is requesting a Special Use Permit to allow an Office, vehicle maintenance (Industrial Uses) for the applicant's vehicles, and Outdoor Storage in excel of 10% on property located at 4300 Industrial Parkway. The property is outlined on the aerial below.



The intent of the proposed development is to create a support facility for storage and maintenance of excavation equipment used by H&H Excavating. The special use permit is required due to the amount of proposed outdoor storage. The applicant is proposing 46.1% outdoor storage which exceeds 10% allowed in the I-1 Zone District. The proposed remainder of the site would hold a maintenance building, sufficient road access, a water quality feature and the required landscaping. The proposed building would house excavation equipment that is sensitive to the elements. While there are no full-time employees on the site, the building would have electrical service and a bathroom. The outdoor storage will hold other excavation equipment, trailers, and construction materials that are required for the nature of the business.

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The applicant has applied for a Variance through the Board of Zoning Appeals. If approved, the applicant will have use of 16,800 +/- square feet of the 0.57 +/- acre property vs. 7,700 +/- square feet of the property if the variance request is denied.

The intent of the Special Use Permit process can be found in Section 18.06.060.F which states,

“To provide a review process for development of properties in the City of Evans, to promote orderly and sound development standards, and to enhance and protect the community’s natural as well as manmade environments. The Special Use Permit process will evaluate the proposed land use and mitigating measures to eliminate negative impacts to other land uses, transportation systems, public facilities, or the like, in the surrounding neighborhood, thereby ensuring that the proposed Special Use will not harm the health, safety and welfare of the city and its residents. The Zone District Use Standards found in the Establishment of Zoning Districts Chapter of the Land Use Code specify which land uses may be contemplated through a Special Use Permit. Applications for a Special Use Permit shall illustrate conformance to the Zoning District the land use is proposed within, the Development Standards found in the Land Use Code, shall be compatible with surrounding and adjacent properties and the City’s Standards and Specifications published through the City Engineering Department and conform to applicable development guidelines associated with an approved subdivision or PUD the property is within.”

Section 18.06.060.F.3 provides a listing of application materials required for Special Use Permit submittal. The applicant’s submittal package was deemed substantially complete on December 9, 2020. The applicant provided a complete submittal package on May 11, 2021 which was immediately reviewed and final comments were provided to the applicant.

Section 18.06.060.F.4 provides the review process to be followed by City Staff and Referral Agencies when reviewing a Site Plan Application. See dates below illustrating compliance.

- The application was received on December 9, 2020 and received approval through the Completeness Review process on December 15, 2020.
- Referral agencies were noticed of the application on December 15, 2020.
- Surrounding property owners within 500’ of the property were noticed by first class mail on May 12, 2021.
- The property was posted with a sign noticing the hearing on May 14, 2021.

Criteria for Evaluation of a Special Use Permit can be found in Section 18.06.060.F.5. The Criteria is found below:

**a. The proposed use is found to be unlikely to harm the health, safety or welfare of the City or its residents.**

Findings: The applicant’s proposed use is unlikely to harm the health, safety or welfare of the City or its residents. The use is permitted within the Light Industrial Zone District with an approved Special Use Permit. City Staff and referral agencies have reviewed this

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application. This special use permit does not propose incompatibilities with the existing neighborhood.

- b. The proposed use would benefit the City in terms of employment, tax revenue or other similar effects, as compared to the absence of the proposed use. The proposed use will not cause an undue burden on the City to serve.**

Findings: The applicant is an existing business in Evans. This application represents the retention and expansion of an existing business.

- c. The proposed use shall be consistent with the Comprehensive Plan, Development Standards, the Master Drainage Plan, and any plan in effect at the time of application and shall be compatible with the surrounding area.**

Findings: The proposed application is consistent with these plans and standards. Engineering has reviewed the drainage plan and has preliminarily approved the Construction Documents. Future buildings will need to adhere to the architectural standards found in the Development Standards of the Land Use Code and will be reviewed with future building permit applications.

- d. The location, size, design and operating characteristics of the proposed use shall be compatible with the existing and proposed future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity. Reasonable conditions may be placed on uses by special review to protect the public health, safety and welfare by mitigating impacts.**

Findings: The location, size, and design are consistent with surrounding uses as well as the Future Land Use Plan of the Comprehensive Plan. The Future Land Use Plan identifies this area for Industrial development. The application site is in the Evans Industrial Park. The application does not propose significant changes to traffic or conditions that may be objectionable or detrimental to other uses in the vicinity. The application package was reviewed by referral agencies and City Staff.

- e. The site shall be physically suitable for the type and intensity of the proposed land use.**

Findings: The property is located in the I-1 Zone District. The applicant is proposing a maintenance building and 46.1% outdoor storage. The maintenance building is a permitted use through the land use process in this zone district and up to 10% outdoor storage. Due to the request of 46.1% outdoor storage, this application requires a special use permit. The proposed land use will be consistent with surrounding properties, due to the nature of the Industrial Park having primarily Industrial uses. The traffic narrative explains the low impact from this development on surrounding roads.

- f. The proposed land use shall not adversely affect traffic flow and parking in the neighborhood.**

Findings: Staff and referral agencies have reviewed this application. The traffic memo outlined expected low traffic to the site.

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**g. The location of other approved special uses in the neighborhood shall be determined, in order to avoid an over-concentration of such uses.**

Findings: This site is within the Evans Industrial Park. The Evans Industrial Park is made up of primarily industrial uses. Surrounding land uses including industrial uses facility, off-street parking, and outdoor storage. The proposed building would house excavation equipment that is sensitive to the elements. The outdoor storage will hold other excavation equipment, trailers, and construction materials. The proposed use is consistent with surrounding properties. This application has followed the Development Standards to avoid a negative appearance. The applicant is proposing a fence around the property. A Landscape Plan and Irrigation Plan will be required for the next submittal.

**h. Special Use Permits within approved planned unit developments.**

**i. Mini-storage units shall also comply with the following standards:**

**j. Car wash facilities shall also comply with the following standards:**

**k. Oil and gas facilities.**

**l. Telecommunications facilities.**

Findings: These standards do not apply.

**m. Outdoor Storage shall comply with the following standards:**

- (1) Reviewed through special use review process.
- (2) Maximum outdoor storage as a primary use shall be limited to three (3) acres. If parcel is larger than three (3) acres, up to a maximum of three (3) acres may be used for outdoor storage use. The total of all tenant's outdoor storage shall not exceed three (3) acres.
- (3) Special Use approval shall be for terms no longer than five (5) years; any extension beyond five (5) years shall require a new special use review application and review process.
- (4) Design standards may be increased as a condition of approval, including but not limited to enhanced screening, landscaping, and limitations on height of material storage.
- (5) Special Use Review approval may be transferred due to sale or lease of property, subject to storage of same material does not change.

Findings: The applicant is proposing approximately 11,600 sq ft of outdoor storage or about 46.1% of the total area. Because the property is located in the I-1 Zone District, 10% outdoor storage is a use permitted through the land use process. Any percentage exceeding 10% in this zone district requires a special use permit. The special use permit requires renewal. If the applicant operates within the parameters of the special use permit, City staff will weigh the need for a new application process in five years.

**n. Business and industrial uses.**

Findings: This section of the Code lists business and uses prohibited in the City of Evans. The proposed industrial uses facility and the proposed outdoor storage are permitted uses within the Light Industrial (I-1) Zone District. In order to get the desired amount of outdoor storage, the applicant must request a Special Use Permit application.

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The following Conditions of Approval shall be addressed by the applicant or their representative.

1. Prior to scheduling a hearing before the City Council, the applicant shall enter into a Development Agreement with the City of Evans. Construction Documents were provided to the City on May 13, 2021 for approval. The City shall draft the Development Agreement for consideration by the applicant.
2. The Building Permit process shall include the following:
  - a. Plan Review by the Fire Protection District.
  - b. Review of a sand/oil interceptor by the City's Wastewater Department.
  - c. Review of the architectural elevations of the buildings to comply with the Development Standards found in the Land Use Code.
3. Upon approval of the Special Use Permit by City Council, the applicant shall submit one electronic copy of the plat prepared according to the Land Use Code and the Staff Report for preliminary approval to the City of Evans Planning Department. Upon approval of the Development Agreement, the City shall record the Special Use Permit and the Development Agreement with the Weld County Clerk and Recorder within thirty (30) days of City Council action.

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**FINANCIAL SUMMARY:**

There are no negative implications of approving this Special Use Permit request.

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**RECOMMENDATION:**

Staff recommends that Planning Commission forward a motion of approval of the Special Use Permit application to City Council.

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**SUGGESTED MOTIONS:**

*"I move to recommend approval of Resolution No. 11-2021 to City Council for their consideration."*

*"I move to recommend denial of Resolution No. 11-2021 to City Council for the reasons stated."*

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**ATTACHMENTS:**

Attachment 1: Special Use Permit Narrative

Attachment 2: Special Use Permit Map

Attachment 3: Landscaping and Irrigation Plan Map

Attachment 4: Resolution 11-2021



**ALLES TAYLOR & DUKE, LLC**  
**LICENSED PROFESSIONAL ENGINEERS**  
**LICENSED PROFESSIONAL LAND SURVEYORS**

3610 35TH AVE. UNIT #6  
EVANS, 80620  
970-330-0308

November 30, 2020

**Attn:**

City of Evans – Planning Division  
1100 37<sup>th</sup> Street  
Evans, CO 80620

**Subject:**

Variance Request & Site Plan Review application for Lot 12, Block 4 of Evans Industrial Park  
4300 Industrial Parkway  
Southeast Corner of Industrial Parkway & 43<sup>rd</sup> Street  
Northern Exposure Investments, LLC

The submitted application is for a proposed Site Plan Review (SPR) of Lot 12, Block 4 of Evans Industrial Park for H&H Excavating, LLC (H&H). H&H is owned and operated by Mike and Rose Hojio whom also own Northern Exposure Investments, LLC, which owns the subject property. Lot 12 was purchased by the Northern Exposure Investments, LLC in July of 2019 and has since been used by H&H for parking/outdoor storage of their excavation equipment, trailers, and construction material. The proposed site development is for a contractor yard including a storage/maintenance building with an outdoor storage yard. The building will provide shelter from the elements for H&H's equipment that is more sensitive to the elements.

Existing Site Conditions

The subject property is +/- 0.58 acres of undeveloped land zoned I-1. The property is bounded on the north side by 43<sup>rd</sup> Street and Industrial Parkway. The west, south and east sides of the property are bounded by other undeveloped I-1 zoned properties that are being similarly used. There is a 6 ft chain link fence around the perimeter of the property. The ground is native soil with sparse native vegetation and an average slope of 3% from northwest to southeast. There is one gated access point to Industrial Parkway at the northwest corner of the property from Industrial Parkway. Water, sanitary sewer, electrical, and telecommunication utilities exist adjacent to the property. There is a 10' wide utility and drainage easement straddling the southern property line that runs east-west across Block 4. It does not appear that any utilities exist in the easement based on locates done during site design.

Proposed Development

H&H would like to develop the subject property into a contractor's yard. The proposed development will include a ±2,816 ft<sup>2</sup> metal building for storage/maintenance of equipment, landscaping along the north property line, all-weather surface across the property and a detention pond. Approximately 11,600 ft<sup>2</sup> of total outdoor storage area (46.1% of the gross area) on-site. The building will have a bathroom and electrical service, however there will not be any fulltime on-site employees or public visitors to the site. For this reason, there are only two unpaved parking stalls provided for the building. The site access is proposed to be relocated to the northeast corner of the property providing access to 43<sup>rd</sup> Street. Site grading and a detention pond are included in the site design. The detention pond will provide 5,647 ft<sup>3</sup> of storage to mitigate excess runoff due to development. Due to a relatively flat topography on the property, the detention pond will have retaining walls below existing grades with a pumped outlet.



- a. *The proposed use is found to be unlikely to harm the health, safety or welfare of the City or its residents.*

The proposed use is for a contractor's yard with a shop building for a local excavation company in the Evans Industrial Park. Proximity and nearly direct access to Highway 85 makes the location ideal to keep traffic generated by the use on the highway system and away from residential neighborhoods.

- b. *The proposed use would benefit the City in terms of employment, tax revenue or other similar effects, as compared to the absence of the proposed use.*

H&H has operated in Evans for several years and would like to continue operating in Evans while expanding their operations.

- c. *The proposed use shall be consistent with the Comprehensive Plan and shall be compatible with the surrounding area.*

Per Map 1 "Future Land Use Plan" in the City of Evans' Comprehensive Plan, the subject property is located within the industrial park area. A contractor's yard fits well within the intended use of the industrial park as described in chapter 3 of the comprehensive plan. The proposed use is similar and complimentary to adjacent businesses and land uses. All property in the immediate area is also zoned for industrial use, with most of it being undeveloped but used in some capacity.

- d. *The location, size, design and operating characteristics of the proposed use shall be compatible with the existing and proposed future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity. Reasonable conditions may be placed on uses by special review to protect the public health, safety and welfare by mitigating impacts.*

The proposed use will generate relatively little traffic. Equipment and materials will be loaded/unloaded on-site based on project needs and timelines. The property will likely see infrequent visits for transporting stored items, and periodically 1-2 employees will work at the site doing routing maintenance in the shop building.

- e. *The site shall be physically suitable for the type and intensity of the proposed land use.*

The subject property is of adequate size to accommodate the proposed use and associated detention pond. Proposed grades across the site are an average of 2.5% which is low enough to prevent major erosion of the proposed gravel surface while still being functional.

- f. *The proposed land use shall not adversely affect traffic flow and parking in the neighborhood.*

The proposed development will generate relatively low and infrequent traffic volumes compared to the capacity of the adjacent road network. Also, only company vehicle and equipment will travel to the site since the use isn't intended for public visitation. All vehicles traveling to the site will be parked on-site.





- g. *The location of other approved special uses in the neighborhood shall be determined, in order to avoid an over-concentration of such uses.*

Two lots to the east of the subject property are also in the Special Use Review process for outdoor storage in excess on 10% of the gross area of the property. However, industrial uses typically include large outdoor storage areas to accommodate common industrial zone district uses. The request for more outdoor storage area is consistent with the character and intent of industrial zoning.

- h. *Mini-Storage Units (Does not Apply)*
- i. *Car Wash Facilities (Does Not Apply)*
- j. *Oil & Gas Facilities (Does Not Apply)*
- k. *Outdoor Storage shall comply with the following standards:*
1. *Reviewed through special use review process.*
  2. *Maximum outdoor storage as a primary use shall be limited to three (3) acres. If parcel is larger than three (3) acres, up to a maximum of three (3) acres may be used for outdoor storage use. The total of all tenant's outdoor storage shall not exceed three (3) acres.*
  3. *Special Use approval shall be for terms no longer than five (5) years; any extension beyond five (5) years shall require a new special use review application and review process.*
  4. *Design standards may be increased as a condition of approval, including but not limited to enhanced screening, landscaping, and limitations on height of material storage.*
  5. *Special Use Review approval may be transferred due to sale or lease of property, subject to storage of same material does not change.*

#### Variance

The proposed site plan will require a variance from zoning code to utilize the site as proposed. The variance request is described below.

1. Per Evans Municipal Code Section 18.04.080(E)  
*"Industrial Zone Districts Dimensional Standards"*

The setback requirements for I-1 zoned properties are:

- Min. Front = 25'
- Min. Side = 30'
- Min. Rear = 20'

If the setbacks are strictly followed on Lot 12, there is only 7,700 ft<sup>2</sup> of buildable area remaining on the property after the setback area is deducted. The widest spot of that buildable area is 47' and the length is over 220', leaving a narrow long opening for a possible building. The setbacks also force the building to be relatively centered on the lot heavily restricting site circulation around the building and to the rear of the lot. The size and shape of the lot is not ideal for most industrial uses that require lots of space for on-site circulation and storage of large items. Reference Figure 1 below for an exhibit showing the setbacks and building area.



industrial uses that require lots of space for on-site circulation and storage of large items. Reference Figure 1 below for an exhibit showing the setbacks and building area.



Figure 1. Existing and Proposed Setback Exhibit

The proposed side lot setback is 10', and the front lot setback would vary from 10' to 25' due to the curve of the northern property line. This would allow for 16,845 ft<sup>2</sup> of buildable area. The proposed building would also fit in the northwest corner of the lot allowing for better site circulation and utilization of the property.

The variance request is permissible per section 18.06.100(B.1d & e). The requests also meet the criteria established in subsection D of the same section as explained below.

*1a. Approval of the variance would not jeopardize the health, safety, or welfare of any person.*



**ALLES TAYLOR & DUKE, LLC**  
**LICENSED PROFESSIONAL ENGINEERS**  
**LICENSED PROFESSIONAL LAND SURVEYORS**

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970-330-0308

*1b. The grant of variance is the minimum variance that will make possible the reasonable use of the parcel, building or structure.*

In order to develop the property with a building, the setbacks would have to be adjusted to fit a building usable with an industrial style company. The current setbacks restrict the property to a point that it is impossible to construct a building suitable for industrial uses. All other criteria for general site design was followed with the proposed development.

*1c. Literal interpretation and enforcement of the terms and provisions of the Title would deprive the applicant of rights commonly enjoyed by other parcels in the same zone district and would cause the applicant unnecessary hardship, as distinguished from mere inconvenience. In determining whether an applicant's rights would be deprived, the Board of Zoning Appeals and the City Council shall consider whether either of the following condition apply:*

- 1. There are special conditions and circumstances that are unique to the parcel, building or structure, that are not applicable to other parcels, structures or buildings in the same zone district and that do not result from the actions of the applicant; or*

While the situation on Lot 12 is typical of other lots within Evans Industrial Park, in most cases several lots are owned and used by the same person company resulting in an appearance of larger lots within the subdivision. Most of those lots do not include structures and are used just for outdoor storage. As lots become developed under current zoning standards this situation will happen frequently unless multiple lots are combined through a minor subdivision process.


- 2. Granting the variance will not confer upon the Applicant any special privilege denied by the Evans Comprehensive Plan and the terms of this Title to other parcels, buildings, or structures, in the same zone district.*

*1d. Such practical difficulty and unnecessary hardship have not been unreasonably self-imposed by the applicant.*

The need for a variance to building setback criteria is the result of the size and shape of Lot 12 as subdivided in 1975. Since then development standards and industry practices have gone through considerable changes resulting in the typical lot with the original subdivision being inadequate for industrial use.

Thank you,

  
TJ Heupel  
E.I. 68656

  
Mark Taylor  
P.E. 46065



4300 INDUSTRIAL PARKWAY - SPECIAL USE PERMIT MAPS

LOT 12, BLOCK 4 OF EVANS INDUSTRIAL PARK, LOCATED IN PART OF THE SOUTHEAST QUARTER OF SECTION 30,  
TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO

DEVELOPMENT STANDARDS

1. APPROVAL OF THIS PLAN MAY CREATE A VESTED PROPERTY RIGHT PURSUANT TO ARTICLE 68 OF TITLE 24 C.R.S., AS AMENDED.
2. THE PLANS REVIEWED BY THE CITY OF EVANS AND SUBSEQUENTLY RECORDED WITH WELD COUNTY CLERK AND RECORDER CONSTITUTE THE EXTENT OF THE LAND USE APPROVAL. ANY CHANGES MAY NECESSITATE AN AMENDMENT TO THE LAND USE PERMIT.
3. ALL REQUIRED BUILDING PERMITS FOR STRUCTURES, BUILDINGS, AND NEW SIGNS SHALL BE FILED WITH THE CITY OF EVANS FOR REVIEW AND ISSUANCE. REVIEW BY THE EVANS FIRE PROTECTION DISTRICT IS REQUIRED.
4. THE SITE SHALL REMAIN IN COMPLIANCE WITH THE CITY CODE AT ALL TIMES.
5. ALL LANDSCAPING THAT IS NOT HEALTHY OR IS DAMAGED SHALL BE REPLACED DURING THE CURRENT GROWING SEASON.
6. ALL LIGHTING SHALL BE SHIELDED AND NOT SPILL ONTO ADJACENT PROPERTIES. LIGHTING SHALL ADHERE TO THE INTERNATIONAL DARK SKY STANDARDS.
7. SITE ACCESS SHALL BE DESIGNED TO ELIMINATE ANY TRACKING ONTO INDUSTRIAL PARKWAY.
8. SITE CONSTRUCTION AND IMPROVEMENTS SHALL ADHERE TO THE SITE IMPROVEMENT AGREEMENT, ENTERED INTO BY CITY COUNCIL ON \_\_\_\_\_.
9. A VARIANCE APPROVED AND RECORDED AT RECEPTION No. \_\_\_\_\_ WITH THE WELD COUNTY CLERK AND RECORDER BY THE CITY OF EVANS.



VICINITY MAP  
1" = 600'

BUFFER REPORT

#	OWNER	ADDRESS
1	Terrazas, Marlen & Pedro	2618 Water Front St, Evans, CO 80620
2	Libhart, Donald	PO Box 200581, Evans, CO 80620
4	Dejohn, Gary	1860 23 <sup>rd</sup> Ave, Greeley, CO 80634
5	Innovative Investors LLC	801 S. Perry St, Suite 110, Castle Rock, CO 80104
6	Rowe, Vera & Randy	1667 40 <sup>th</sup> Ave, Greeley, CO 80634
7	AT Enterprises, LLC	6525 West 26 <sup>th</sup> St, Greeley, CO 80634
8	Timothy R. Robel Revocable Trust	6526 West 26th St, Greeley, CO 80634
9	Clark Well Services Inc.	519 2nd St, Windsor, CO 80550
10	Clark, Arlene & Rocky	519 2nd St, Windsor, CO 80550
11	Amerigas Propane, LLC	PO Box 798, Valley Forge, PA 19482
12	Elmer Lundvall Co.	2015 Clubhouse Dr, Apartment 101, Greeley, CO 80634
13	Watson, Nathan	3604 15 <sup>th</sup> Ave, Evans, CO 80620
14	Bonanza Creek Energy Operating Co.	410 17 <sup>th</sup> St, Suite 1400, Denver, CO 80202
16	Alpha & Omega Storage, LLC	18999 CR 39, La Salle, CO 80645
17	Medrano, Pietro	4209 Denver St, Evans, CO 80620
18	Summit View Condominiums, LLC	909 South Clarkson St, Denver, CO 80209
19	Devlin, Jerry & Fatemeh Imami	6600 West 20th St, Unit 19, Greeley, CO 80634
20	Bretho, LLC	337 North 45th Ave Ct, Greeley, CO 80634
21	Fresno Valves & Castings Inc	PO Box 40, Selma, CA 93662
22	Clark, Lynn	1804 14th St, Greeley, CO 80631

Owner/Developer  
Northern Exposure Investments, LLC  
4209 Denver St.  
Greeley, CO 80634  
970-371-4050

Civil Site Engineering  
Mark Taylor  
Alles, Taylor, and Duke, LLC  
3610 35th Ave., Unit 6  
Evans, CO 80620  
970-330-0308

Surveying  
Scott Ducommun  
Alles, Taylor, and Duke, LLC  
3610 35th Ave., Unit 6  
Evans, CO 80620  
970-330-0308

LEGAL DESCRIPTION:  
LOT 12, BLOCK 4 EVANS BUSINESS PARK AS RECORDED WITH THE WELD COUNTY CLERK & RECORDER OFFICE ON MAY 22, 1975, RECEPTION NO. 1660971 LOCATED IN PART OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF EVANS, COUNTY OF WELD, STATE OF COLORADO

FLOODPLAIN NOTE:  
BASED ON FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP (FIRM), MAP NUMBER 08123C1727E, PANEL 1727 OF 2250, EFFECTIVE JANUARY 20, 2016, THE SUBJECT PROPERTY IS LOCATED IN FLOOD HAZARD ZONE X, A MINIMAL FLOOD HAZARD AREA.

- PROJECT CONTROL NOTES:
1. BENCHMARK R 261 WAS REFERENCED FOR ALL BOUNDARY AND TOPOGRAPHIC SURVEY FIELD WORK. THE ELEVATION OF R 261 IS 4655.63 FEET PER NGS DATUM NAVD 88.
2. ALL PROPERTY PINS, INTERSECTION MONUMENTS, AND SECTION CORNERS DISTURBED DURING CONSTRUCTION MUST BE REFERENCED AND REPLACED UNDER THE SUPERVISION OF A LICENSED LAND SURVEYOR.
3. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACING LOST OR DAMAGED PROPERTY PINS, INTERSECTION MONUMENTS, AND SECTION CORNERS DUE TO CONSTRUCTION ACTIVITY.
4. ALL INTERSECTION AND SECTION MONUMENTS THAT ARE LOCATED WITHIN A ROADWAY SHALL HAVE A MONUMENT BOX BUILT OVER THE MONUMENT AND SHALL HAVE A ONE FOOT CONCRETE COLLAR PLACED AROUND THE BOX FOR PROTECTION AND EASY ACCESS.

INDEX OF DRAWINGS

SHEET	DESCRIPTION
C-1	COVER SHEET
C-4	SITE & UTILITY PLAN
C-7	GRADING PLAN
	ARCHITECTURAL ELEVATIONS
L1.1	LANDSCAPE PLAN
L1.2	LANDSCAPE NOTES & DETAILS
L1.3	LANDSCAPE SPECIFICATIONS
IR1.1	IRRIGATION PLAN

APPROVED BY THE CITY COUNCIL OF EVANS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_

MAYOR

ATTEST: CITY CLERK

APPROVED BY THE CITY OF EVANS PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_

CHAIRMAN

APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF EVANS, COLORADO, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_

COMMUNITY DEVELOPMENT DIRECTOR

APPROVED BY THE CITY ENGINEER OF THE CITY OF EVANS, COLORADO, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_

CITY ENGINEER

WE, NORTHERN EXPOSURE INVESTMENTS, LLC BEING THE OWNERS, MORTGAGAGE, OR LIENHOLDER OF LOT 12, BLOCK 4 OF EVANS INDUSTRIAL PARK IN EVANS, COLORADO DO HEREBY AGREE TO CONSTRUCT AND MAINTAIN THE BUILDING AND SITE IMPROVEMENTS AS SHOWN ON THE ATTACHED MAPS.

ROSE HOJO, OWNER

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

SIGNED AND AFFIRMED BEFORE ME ON \_\_\_\_\_, BY \_\_\_\_\_.

NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

CONTACT INFORMATION FOR UTILITY PROVIDERS:

Altmos Energy  
Jerry Adams  
970-304-2075

CenturyLink  
JJ Jeanett Wickstrom  
303-350-0246

Xcel Energy  
Pat Kreager  
970-225-7840

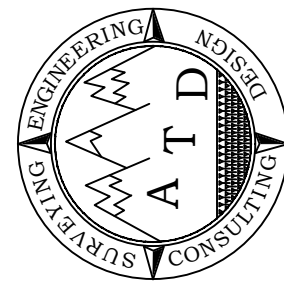
Comcast  
John Hamburg  
970-567-4797

Evans Fire District  
Ron Pristera  
970-339-3920

City of Evans Public Works & Inspections  
970-475-1170



Know what's below.  
Call before you dig.



ALLES TAYLOR  
& DUKE, LLC  
3610 35th Ave., Unit 6  
Evans, Colorado 80620  
(970) 330-0308

ENGINEERING & LAND SURVEYING SERVICES

No.	DATE	REVISIONS			CHK'D
		DESCRIPTION	ISSUED FOR CITY APPROVAL	TJH	
0	5/11/21				

COVER SHEET  
4300 INDUSTRIAL PKWY  
LOT 12, BLOCK 4 EVANS IND. PARK  
EVANS, CO 80620

COUNTY OF WELD COLORADO

SE 1/4, OF SEC. 30, TWN. 5 N, RNG 65 W

SCALE: \_\_\_\_\_

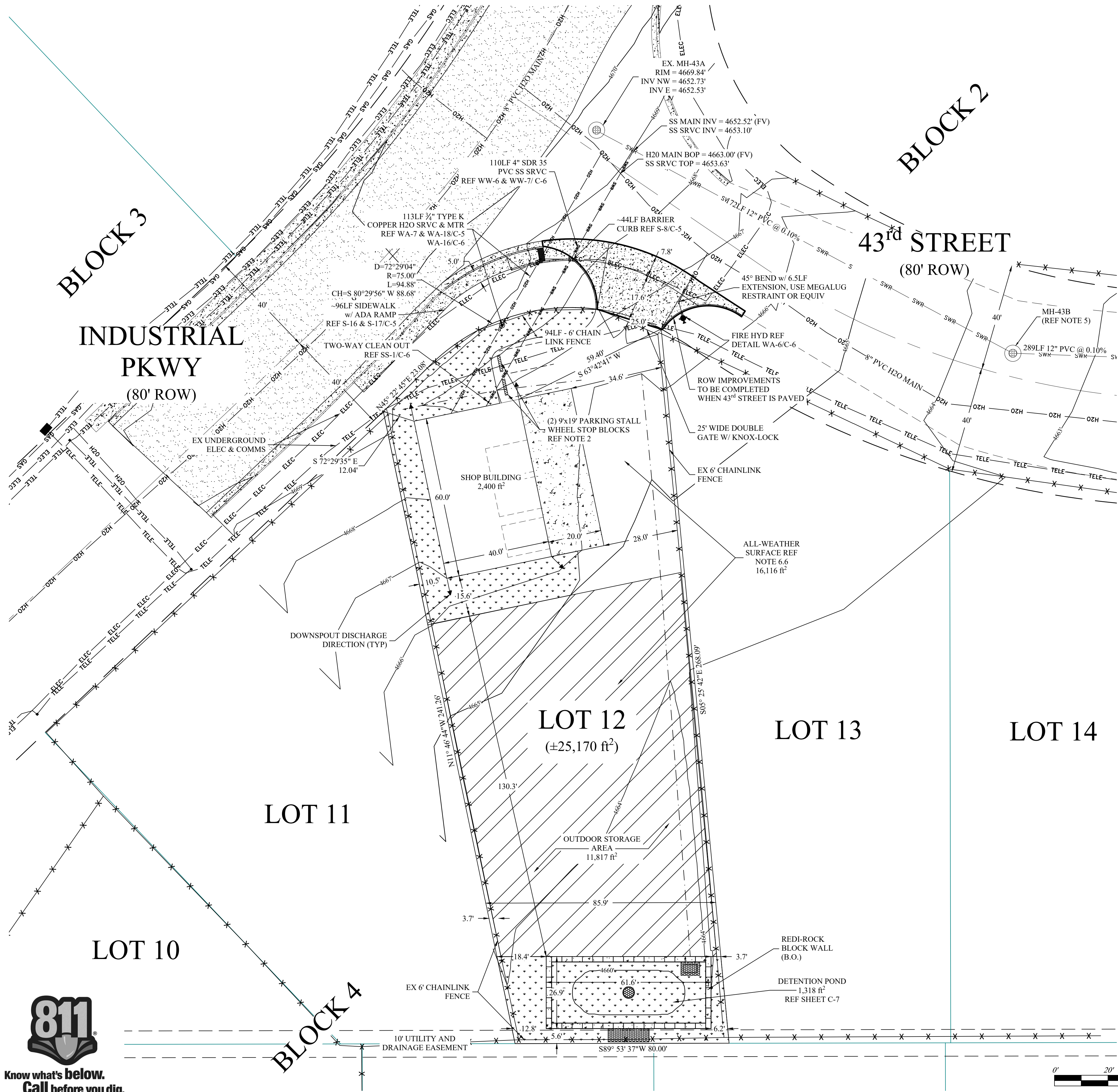
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SHEET 1 OF 13



4300 INDUSTRIAL PARKWAY - SPECIAL USE PERMIT MAPS

LOT 12, BLOCK 4 OF EVANS INDUSTRIAL PARK, LOCATED IN PART OF THE SOUTHEAST QUARTER OF SECTION 30,  
TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO



- NOTES:**
- LOT LINES BASED ON EVANS INDUSTRIAL PARK RECORDED ON MAY 22, 1975 AT RECEPTION NO. 1660971.
  - INSTALL WHEEL STOP BLOCKS TO DELINEATE PARKING STALLS. BLOCKS MAY BE PRE-CAST CONCRETE, RUBBER, OR TIMBER.
  - WATER SERVICE LINES CANNOT BE PLACED IN A TRENCH WITH OTHER UTILITIES. A MINIMUM HORIZONTAL CLEARANCE OF 10 FT IS REQUIRED FROM ALL OTHER UTILITIES. MINIMUM DEPTH OF BURY FOR WATER LINES IS 4.5 FT. WATER SERVICE CANNOT CHANGE DIRECTION OF A MINIMUM OF 5 FT DOWNSTREAM OF THE WATER METER.
  - REFERENCE CITY OF EVANS WATER & SEWER STANDARDS SECTION 4.02 (WATER SERVICES) & 6.02.13 (SEWER SERVICES) FOR ADDITIONAL REQUIREMENTS AND INFORMATION.
    - DEPENDING ON SHOP ACTIVITIES, IF THERE ARE FLOOR DRAINS, MAINTENANCE ACTIVITIES INVOLVING GREASE/OIL/LUBRICANTS, OR TRUCK WASH-DOWNS PROPOSED, THE SEWER SERVICE REQUIRES A SAND/OIL INTERCEPTOR PRIOR TO CONNECTION TO THE CITY.
  - COORDINATE DRY UTILITY SERVICE CONSTRUCTION WITH UTILITY PROVIDER. REFERENCE COVER SHEET FOR SERVICE PROVIDER CONTACT INFORMATION.
  - REFERENCE GEOTECHNICAL REPORT BY CDS ENGINEERING CORPORATION, PROJECT No. 20-0210, DATED FEBRUARY 4, 2020 FOR EARTHWORK RECOMMENDATIONS.
    - SCARIFY, MOISTURE CONDITION AND RECOMPACT SUBGRADE A MINIMUM OF 6 INCHES PRIOR TO PLACING FILL OR PAVEMENT.
    - MOISTURE CONDITION AND COMPACT NATIVE ON-SITE SOILS IN LIFTS NOT TO EXCEED 9 INCHES IF SELF-PROPELLED COMPACTION EQUIPMENT IS USED, OR 4"- 6" IF HAND GUIDED EQUIPMENT IS USED IN ALL FILL AREAS.
    - MOISTURE CONDITION AND COMPACT NATIVE ON-SITE SOILS TO WITHIN  $\pm 2\%$  OF OPTIMUM MOISTURE AND A MINIMUM OF 95% OF THE MAXIMUM DRY DENSITY AS DETERMINED BY A ASTM D698, STANDARD PROCTOR.
    - MOISTURE CONDITION AND COMPACT AGGREGATE BASE COURSE (ABC) TO WITHIN  $\pm 2\%$  OF OPTIMUM MOISTURE AND A MINIMUM OF 95% OF THE MAXIMUM DRY DENSITY AS DETERMINED BY A ASTM D698, STANDARD PROCTOR.
    - PROOF ROLL ALL SITE PAVING AREAS WITHIN 24 HOURS OF CONCRETE PLACEMENT. IF ANY INSTABILITY IS DETECTED OVER-EXCAVATE SUBGRADE IN THE AREA CONTACT THE GEOTECHNICAL ENGINEER AND CIVIL ENGINEER FOR RECOMMENDATIONS.
    - ALL-WEATHER SURFACE SHALL BE A MINIMUM OF 6 INCHES OF CDOT CLASS 5 OR 6 AGGREGATE BASE COURSE. INSTALL SURFACE FOR FINAL STABILIZATION IN ALL ON-SITE PARKING AREAS, DRIVE LANES, OUTDOOR STORAGE AREAS, AND THE INTERIM CONDITION FOR THE SITE ENTRANCE WITHIN RIGHT-OF-WAY.
  - PERFORM COMPACTION TESTING PER ASTM 6938 ON EVERY LIFT AT 50 FOOT INTERVALS FOR OVERLOT GRADING AND EVERY 50 LINEAR FEET OF FOUNDATION AND TRENCH SCARIFICATION AND BACKFILL. PROVIDE THIRD PARTY COMPACTION TESTING REPORTS TO THE CIVIL ENGINEER WITHIN 48 HOURS OF PERFORMING TESTS.
  - REFERENCE ACI 306 FOR COLD WEATHER CONCRETE REQUIREMENTS.
  - ALL EXCAVATIONS MUST FOLLOW OSHA SAFETY STANDARDS.
  - PROVIDE THIRD PARTY TESTING REPORTS TO THE CITY OF EVANS FOR ALL EXCAVATIONS WITHIN PUBLIC RIGHT-OF-WAY. REPORTS CAN BE EMAILED TO [thepworth@evanscolorado.gov](mailto:thepworth@evanscolorado.gov).
  - PROVIDE MATERIAL SUBMITTALS AND TESTING REPORTS TO THE CIVIL ENGINEER. DOCUMENTS CAN BE EMAILED TO [alles\\_taylor\\_duke@yahoo.com](mailto:alles_taylor_duke@yahoo.com). ALLOW FOR ONE WEEK OF REVIEW FOR SUBMITTALS.
  - OUTDOOR STORAGE MUST COMPLY WITH REQUIREMENTS FOUND IN IFC 2018 SECTION 315.4.
    - OUTDOOR STORAGE OF COMBUSTIBLE MATERIALS SHALL NOT BE LOCATED WITHIN 10 FT OF A PROPERTY LINE.
    - STORAGE IN THE OPEN SHALL NOT EXCEED 20 FT IN HEIGHT.
    - PALLET PILE STORAGE SHALL FOLLOW SEPARATION REQUIREMENTS IN TABLES 315.7.6(3) & 315.7.6(4).
    - ADEQUATE SPACE SHALL BE MAINTAINED IN THE STORAGE AREA FOR CIRCULATION OF FIRE TRUCKS.
  - OUTDOOR STORAGE AREA TO INCLUDE EXCAVATION EQUIPMENT, UTILITY HARDWARE, CONSTRUCTION MATERIAL, FLEET VEHICLES, EQUIPMENT TRAILERS AND TANDEM-AXLE DUMP TRUCKS. ON-SITE FUEL TANKS REQUIRE ADDITIONAL PERMITTING BY THE FIRE PROTECTION DISTRICT.
    - LOT 12 STORAGE AREA = 11,817  $\text{ft}^2$  (46.9%)
  - LOT COVERAGE
    - BUILDING AREA = 2,400  $\text{ft}^2$  (9.5%)
    - CONCRETE AREA = 1,534  $\text{ft}^2$  (6.1%)
    - GRAVEL AREA = 16,116  $\text{ft}^2$  (64.0%)
    - LANDSCAPE AREA = 5,120  $\text{ft}^2$  (20.3%)
- TOTAL LOT AREA = 25,170  $\text{ft}^2$

LEGEND	
	= DOWNSPOUT
	= CONCRETE
	= OUTDOOR STORAGE AREA
	= SOIL RIP-RAP AREA
	= LANDSCAPE AREA
	= ASPHALT
	= PROPERTY LINE
	= EASEMENT LINE
	= FENCE
	= EDGE OF ROAD/GRAVEL
	= ROAD CENTERLINE
	= RIGHT-OF-WAY LINE
	= FLOWLINE
	= PROPOSED PARKING STALL
	= MAJOR CONTOUR
	= MINOR CONTOUR
	= POTABLE WATER MAIN
	= SANITARY SEWER MAIN
	= TELECOMMUNICATION LINE
	= ELECTRICAL LINE
	= GAS LINE

**ALLES TAYLOR & DUKE, LLC**  
3610 35th Ave., Unit 6  
Evans, Colorado 80620  
(970) 330-0308

ENGINEERING & LAND SURVEYING SERVICES

DESIGNED BY:	TJH
DRAWN BY:	TJH
CHECKED BY:	MAI
DATE	05/10/2021
PROJECT NO.	2019-098

REVISIONS		CHK'D
No.	DATE	DESCRIPTION
0	5/11/21	ISSUED FOR CITY APPROVAL

**SITE & UTILITY PLAN**  
4300 INDUSTRIAL PKWY  
LOT 12, BLOCK 4 EVANS IND. PARK  
EVANS, CO 80620

COUNTY OF WELD

COLORADO

SE 1/4, OF SEC. 30, TWN. 5 N, RNG 65 W

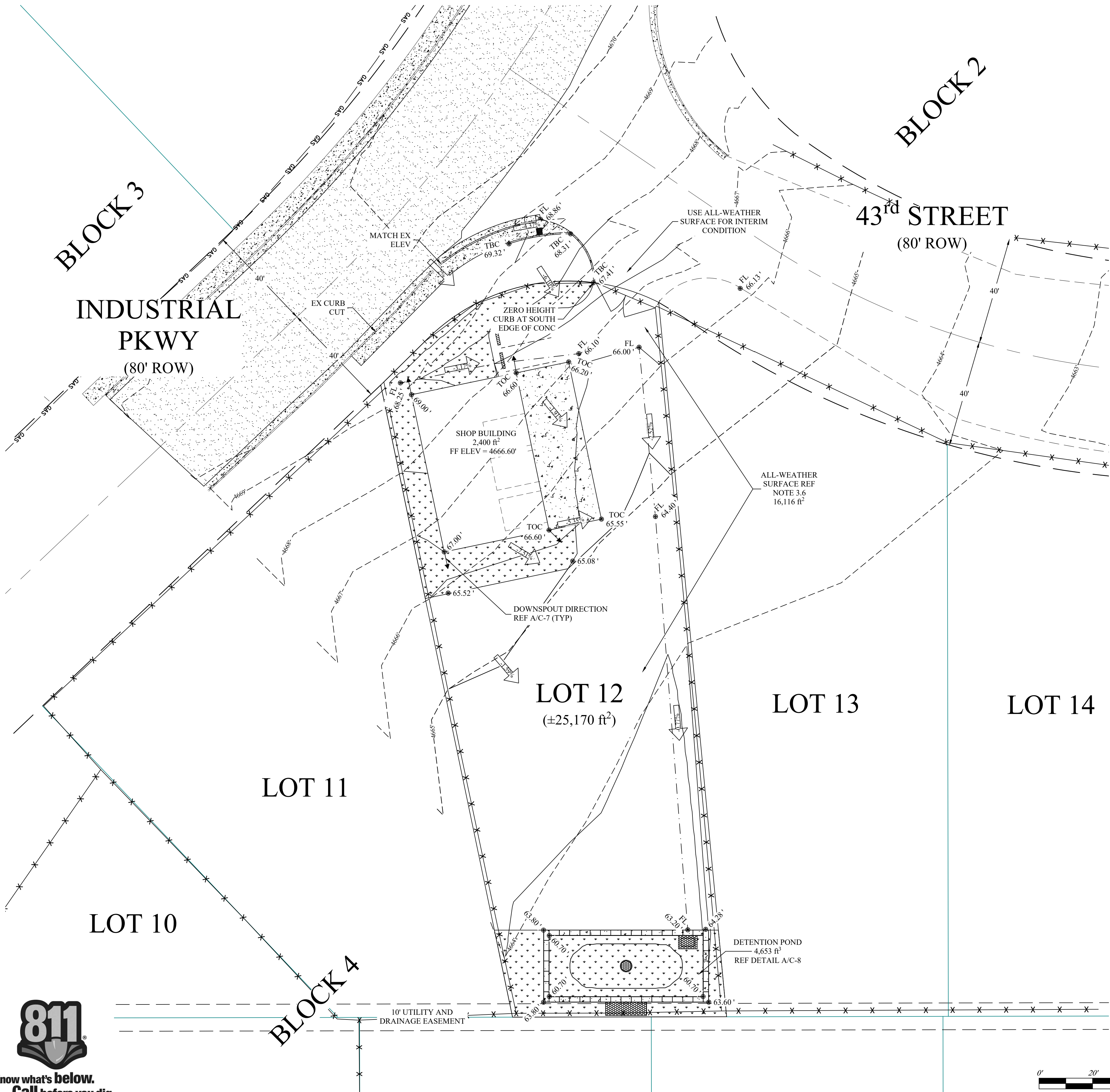
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SHEET 4 OF 13	



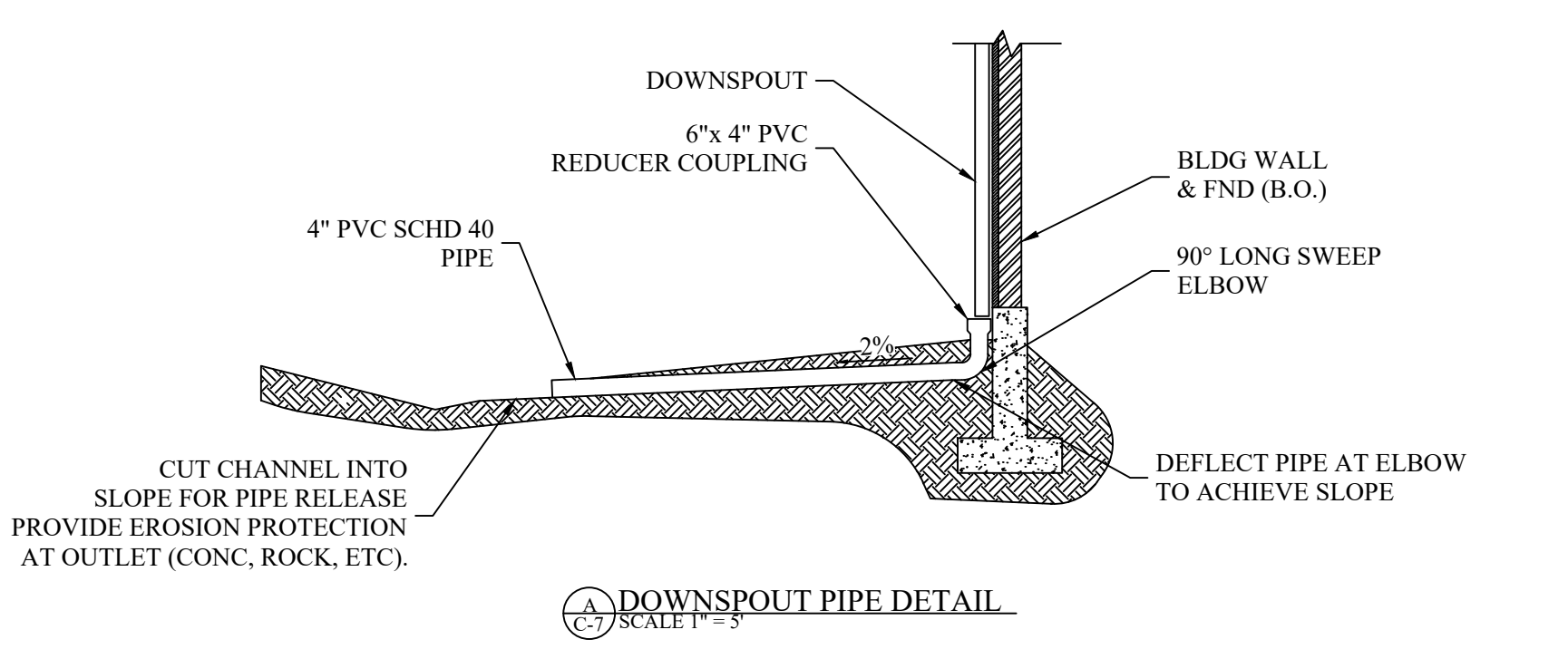


4300 INDUSTRIAL PARKWAY - SPECIAL USE PERMIT MAPS

LOT 12, BLOCK 4 OF EVANS INDUSTRIAL PARK, LOCATED IN PART OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO



- NOTES:
- LOT LINES BASED ON EVANS INDUSTRIAL PARK 4th REPLAT RECORDED ON OCTOBER 2, 2020 AT RECEPTION NO. 4636383.
  - BENCHMARK R 261 WAS REFERENCED FOR ALL BOUNDARY AND TOPOGRAPHIC SURVEY FIELD WORK. THE ELEVATION OF R 261 IS 4655.63 FEET PER NGS DATUM NAVD 88.
  - REFERENCE GEOTECHNICAL REPORT BY CDS ENGINEERING CORPORATION, PROJECT No. 20-0210, DATED FEBRUARY 4, 2020 FOR EARTHWORK RECOMMENDATIONS.
    - SCARIFY, MOISTURE CONDITION AND RECOMPACT SUBGRADE A MINIMUM OF 6 INCHES PRIOR TO PLACING FILL OR PAVEMENT.
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  - PROVIDE MATERIAL SUBMITTALS AND TESTING REPORTS TO THE CIVIL ENGINEER. DOCUMENTS CAN BE EMAILED TO alles\_taylor\_duke@yahoo.com. ALLOW FOR ONE WEEK OF REVIEW FOR SUBMITTALS.
  - THE PROJECT DESIGN ENGINEER SHALL OBSERVE CONSTRUCTION AS REQUIRED TO BE ABLE TO CERTIFY THAT THE CONDITIONS AND INFORMATION RECORDED ON THE AS-BUILT RECORD DRAWINGS IS TRUE AND CORRECT. THE OWNER OR RESPONSIBLE PARTY OF THE GENERAL CONTRACTOR FOR THE PROJECT SHALL SIGN EACH DRAWING SHEET IN THE AS-BUILT RECORD PLAN SET.
  - A PROFESSIONAL LAND SURVEYOR SHALL PERFORM OR DIRECTLY SUPERVISE ALL FIELD SURVEY DATA COLLECTION TO VERIFY THE AS-BUILT CONDITIONS AND SHALL STAMP AND SEAL EACH DRAWING SHEET IN THE AS-BUILT RECORD PLAN SET.
  - A PROFESSIONAL ENGINEER SHALL REVIEW ALL THE AS-BUILT INFORMATION FOR COMPLIANCE WITH THE ORIGINAL APPROVED DESIGN AND STANDARDS AND SHALL STAMP AND SEAL EACH DRAWING SHEET IN THE AS-BUILT RECORD PLAN SET.
  - THE CITY SHALL COMPARE THE CERTIFIED RECORD DRAWING INFORMATION WITH THE CONSTRUCTION DRAWINGS. A CERTIFICATE OF SUBSTANTIAL COMPLETION SHALL BE ISSUED ONLY IF:
    - THE RECORD DRAWING INFORMATION DEMONSTRATES THAT THE CONSTRUCTION COMPLIES WITH THE DESIGN INTENT.
    - THE RECORD DRAWINGS ARE CERTIFIED BY A PROFESSIONAL LAND SURVEYOR, A PROFESSIONAL ENGINEER, AND THE OWNER OR RESPONSIBLE PARTY OF THE GENERAL CONTRACTOR. BOTH THE PROFESSIONAL LAND SURVEYOR AND PROFESSIONAL ENGINEER SHALL BE REGISTERED IN THE STATE OF COLORADO.



- LEGEND
- = DOWNSPOUT
  - [Pattern] = CONCRETE
  - [Pattern] = OUTDOOR STORAGE AREA
  - [Pattern] = SOIL RIP-RAP AREA
  - [Pattern] = LANDSCAPE AREA
  - [Pattern] = ASPHALT
  - ⊙ = PROPOSED ELEVATION
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  - = PROPERTY LINE
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  - - - = MINOR CONTOUR
  - H2O = POTABLE WATER MAIN
  - SWR = SANITARY SEWER MAIN
  - TELE = TELECOMMUNICATION LINE
  - ELEC = ELECTRICAL LINE
  - GAS = GAS LINE



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ENGINEERING & LAND SURVEYING SERVICES

DESIGNED BY:	TJH	PROJECT NO.	2019-098
DRAWN BY:	TJH	DATE	05/10/2021
CHECKED BY:	MAT		

REV	DATE	DESCRIPTION	CHK'D
0	5/11/21	ISSUED FOR CITY APPROVAL	TJH

**GRADING PLAN**  
4300 INDUSTRIAL PKWY  
LOT 12, BLOCK 4 EVANS IND. PARK  
EVANS, CO 80620

COUNTY OF WELD COLORADO  
SE 1/4, OF SEC. 30, TWN. 5 N, RNG 65 W

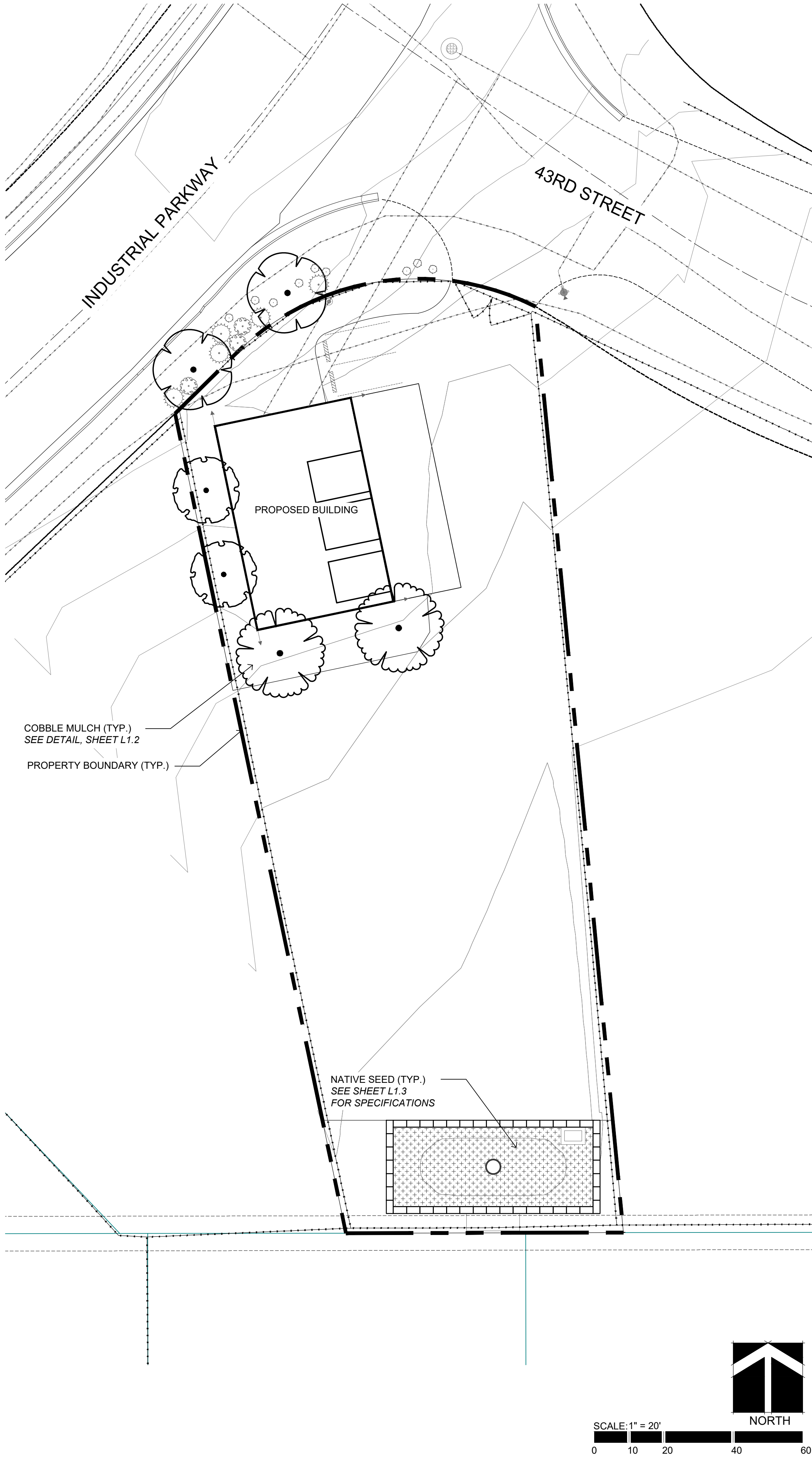
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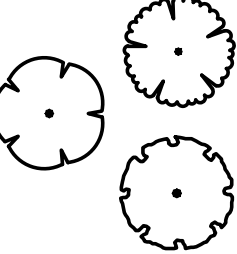


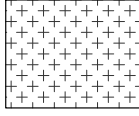
SHEET 7 OF 13



DRAWN BY: JAH  
FILE LOCATION: Z:\Shared\Projects\811\811-2101EV\4300 Industrial Parkway\LANDSCAPE L1.LANDSCAPE PLAN.dwg  
PLT DATE: 5/13/2021 12:41 PM



PLANT SCHEDULE

Large Trees	Quantity	Diversity	Botanical	Common	Size	Container	Water Use Range
	2	33%	Gleditsia triacanthos inermis 'Skycote'	Skyline Thornless Honeylocust	2" Cal.	B&B	Low
	2	33%	Gymnocladus dioica 'Espresso'	Seedless Kentucky Coffeetree	2" Cal.	B&B	Low
	2	33%	Quercus macrocarpa 'Urban Pinnacle'	Urban Pinnacle Bur Oak	2" Cal.	B&B	Low
	6	100%					
Shrubs							
 DECIDUOUS	3	18%	Rhus typhina 'Tiger Eyes'	Tiger Eyes Sumac	5 gal	Pot	Very Low
	9	53%	Arctostaphylos x coloradoensis 'Panchito'	Panchito Manzanita	5 gal	Pot	Low
 EVERGREEN	5	29%	Juniperus sabina 'Tamariscifolia'	Tammy Juniper	5 gal	Pot	Low
	17	100%					
Seed & Sod							
	1,268		Native Seed Mix		Seed	SF	Low
	1,268						

SITE LANDSCAPE COMPLIANCE

PARKING LOT			
Specifications	Required		Provided
Large Trees	1		1

NON-RESIDENTIAL (Greater Than One Acre)				
Specifications		Required		Provided
Frontage (LF)		118		
PER 35 LF	Large Trees	1	4	4
	Shrubs	5	17	17

STORMWATER DETENTION AREA				
Specifications		Required		Provided
Surface Area (SF)		1318		
PER 2,500 SF	Large Trees	1	1	1

SITE LANDSCAPE CALCULATIONS				
Specifications	Required	Provided	Total Deficiency	
Large Trees	6	6	-	
Shrubs	17	17	-	

TFG Design, LLC  
P.O. Box  
Loveland CO 80539  
(970) 669.3737  
josh@fronterra.design

OWNER:  
Rose Hojo  
H&H Excavation Inc.  
4698 Kiowa Drive  
Greeley, Colorado 80634  
rmhojo@gmail.com

4300 INDUSTRIAL PARKWAY  
LANDSCAPE & IRRIGATION SUBMITTAL

USE BY SPECIAL REVIEW

4300 INDUSTRIAL PARKWAY  
EVANS, COLORADO 80620

WELD COUNTY

PROJECT INFORMATION:  
PROJECT NUMBER: 301-2101EV  
DATE: 2021.05.12  
PHASE: USR

REVISIONS:

SHEET TITLE:  
LANDSCAPE PLAN

SHEET NUMBER:

L1.1

SHEET 1 OF 3



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GENERAL LANDSCAPE NOTES

1.

PLANT QUALITY: ALL PLANT MATERIAL SHALL BE A-GRADE OR NO. 1 GRADE - FREE OF ANY DEFECTS, OF NORMAL HEALTH, HEIGHT, LEAF DENSITY AND SPREAD APPROPRIATE TO THE SPECIES AS DEFINED BY THE AMERICAN ASSOCIATION OF NURSERYMEN (AAN) STANDARDS. ALL TREES SHALL BE BALL AND BURLAP OR EQUIVALENT. TO ACHIEVE A MORE NATURAL LANDSCAPE CHARACTER, ALL TREES & LARGE SHRUBS OF THE SAME VARIETY SHALL BE INSTALLED IN A RANGE OF SIZES, WHILE STILL MEETING THE MINIMUM SIZE REQUIREMENTS OUTLINED IN THE PLANT SCHEDULE.
2.

AS PER THE LOCATIONS DEPICTED ON THE LANDSCAPE PLAN, PLANTING BED EDGES ADJACENT TO NATIVE TURF AREAS SHALL BE EDGED WITH STEEL EDGING PER INCLUDED SPECIFICATIONS.
3.

IRRIGATION: ALL LANDSCAPE AREAS WITHIN THE SITE INCLUDING TURF, SHRUB BEDS AND TREE AREAS SHALL BE IRRIGATED WITH AN AUTOMATIC IRRIGATION SYSTEM. THE IRRIGATION PLAN MUST BE REVIEWED AND APPROVED BY THE CITY OF WATER UTILITIES DEPARTMENT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT. ALL TURF AREAS SHALL BE IRRIGATED WITH AN AUTOMATIC POP-UP IRRIGATION SYSTEM. ALL SHRUB BEDS AND TREES, INCLUDING IN NATIVE SEED AREAS, SHALL BE IRRIGATED WITH AN AUTOMATIC DRIP (TRICKLE) IRRIGATION SYSTEM, OR WITH AN ACCEPTABLE ALTERNATIVE APPROVED BY THE CITY WITH THE IRRIGATION PLANS. THE IRRIGATION SYSTEM SHALL BE ADJUSTED TO MEET THE WATER REQUIREMENTS OF THE INDIVIDUAL PLANT MATERIAL AND INCLUDE AN AUTOMATIC RAIN SENSOR.
4.

TOPSOIL: TO THE MAXIMUM EXTENT FEASIBLE, TOPSOIL THAT IS REMOVED DURING CONSTRUCTION ACTIVITY SHALL BE CONSERVED FOR LATER USE ON AREAS REQUIRING REVEGETATION AND LANDSCAPING.
5.

SOIL AMENDMENTS: SOIL AMENDMENTS SHALL BE PROVIDED AND DOCUMENTED IN ACCORDANCE WITH CITY OF EVANS STANDARDS. THE SOIL IN ALL LANDSCAPE AREAS, INCLUDING PARKWAYS AND MEDIANS, SHALL BE THOROUGHLY LOOSENEED TO A DEPTH OF NOT LESS THAN EIGHT(8) INCHES AND SOIL AMENDMENT SHALL BE THOROUGHLY INCORPORATED INTO THE SOIL OF ALL LANDSCAPE AREAS TO A DEPTH OF AT LEAST SIX(6) INCHES BY TILLING, DISCING OR OTHER SUITABLE METHOD, AT A RATE OF AT LEAST THREE (3) CUBIC YARDS OF SOIL AMENDMENT PER ONE THOUSAND (1,000) SQUARE FEET OF LANDSCAPE AREA. PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY, A WRITTEN CERTIFICATION MUST BE SUBMITTED TO THE CITY THAT ALL PLANTED AREAS, OR AREAS TO BE PLANTED, HAVE BEEN THOROUGHLY LOOSENEED AND THE SOIL AMENDED, CONSISTENT WITH THE REQUIREMENTS SET FORTH IN CITY OF EVANS MUNICIPAL CODE.
6.

INSTALLATION AND GUARANTEE: ALL LANDSCAPING SHALL BE INSTALLED ACCORDING TO SOUND HORTICULTURAL PRACTICES IN A MANNER DESIGNED TO ENCOURAGE QUICK ESTABLISHMENT AND HEALTHY GROWTH.
7.

MAINTENANCE: TREES AND VEGETATION, IRRIGATION SYSTEMS, FENCES, WALLS AND OTHER LANDSCAPE ELEMENTS WITH THESE FINAL PLANS SHALL BE CONSIDERED AS ELEMENTS OF THE PROJECT IN THE SAME MANNER AS PARKING, BUILDING MATERIALS AND OTHER SITE DETAILS. THE APPLICANT, LANDOWNER OR SUCCESSORS IN INTEREST SHALL BE JOINTLY AND SEVERALLY RESPONSIBLE FOR THE REGULAR MAINTENANCE OF ALL LANDSCAPING ELEMENTS IN GOOD CONDITION. ALL LANDSCAPING SHALL BE MAINTAINED FREE FROM DISEASE, PESTS, WEEDS AND LITTER, AND ALL LANDSCAPE STRUCTURES SUCH AS FENCES AND WALLS SHALL BE REPAIRED AND REPLACED PERIODICALLY TO MAINTAIN A STRUCTURALLY SOUND CONDITION.
8.

REPLACEMENT: ANY LANDSCAPE ELEMENT THAT DIES, OR IS OTHERWISE REMOVED, SHALL BE PROMPTLY REPLACED IN ACCORDANCE WITH THE REQUIREMENTS OF THESE PLANS.
9.

THE FOLLOWING SEPARATIONS SHALL BE PROVIDED BETWEEN TREES/SHRUBS AND UTILITIES:

35 FEET BETWEEN CANOPY TREES

10 FEET BETWEEN TREES AND PUBLIC WATER, SANITARY AND STORM SEWER MAIN LINES

10 FEET BETWEEN TREES AND PUBLIC WATER, SANITARY AND STORM SEWER SERVICE LINES.

5 FEET BETWEEN SHRUBS AND PUBLIC WATER, SANITARY AND STORM SEWER LINES
10.

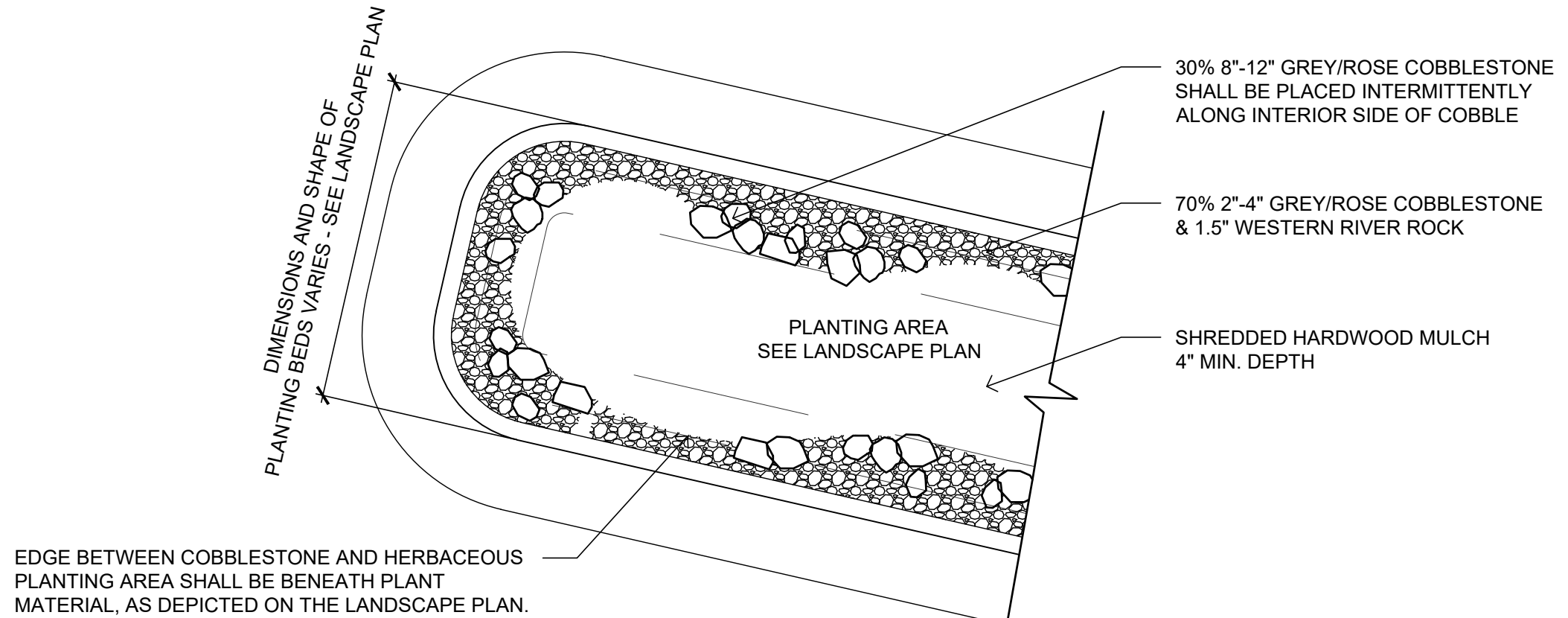
ALL STREET TREES SHALL BE PLACED A MINIMUM TEN (15) FEET AWAY FROM THE EDGES OF DRIVEWAYS AND ALLEYS.
11.

PLACEMENT OF ALL LANDSCAPING SHALL BE IN ACCORDANCE WITH THE SIGHT DISTANCE CRITERIA AS SPECIFIED BY THE CITY OF EVANS. NO STRUCTURES OR LANDSCAPE ELEMENTS GREATER THAN 30" SHALL BE ALLOWED WITHIN THE SIGHT DISTANCE TRIANGLE OR EASEMENTS WITH THE EXCEPTION OF DECIDUOUS TREES PROVIDED THAT THE LOWEST BRANCH IS AT LEAST 6' FROM GRADE. ANY FENCES WITHIN THE SIGHT DISTANCE TRIANGLE OR EASEMENT MUST BE NOT MORE THAN 42" IN HEIGHT AND OF AN OPEN DESIGN.
12.

THE FINAL LANDSCAPE PLAN SHALL BE COORDINATED WITH ALL OTHER FINAL PLAN ELEMENTS SO THAT THE PROPOSED GRADING, STORM DRAINAGE, AND OTHER DEVELOPMENT IMPROVEMENTS DO NOT CONFLICT WITH NOR PRECLUDE INSTALLATION AND MAINTENANCE OF LANDSCAPE ELEMENTS ON THIS PLAN.
13.

MINOR CHANGES IN SPECIES AND PLANT LOCATIONS MAY BE MADE DURING CONSTRUCTION -- AS REQUIRED BY SITE CONDITIONS OR PLANT AVAILABILITY. OVERALL QUANTITY, QUALITY, AND DESIGN CONCEPT MUST BE CONSISTENT WITH THE APPROVED PLANS. IN THE EVENT OF CONFLICT WITH THE QUANTITIES INCLUDED IN THE PLANT LIST, SPECIES AND QUANTITIES ILLUSTRATED SHALL BE PROVIDED. ALL CHANGES OF PLANT SPECIES AND LOCATION MUST HAVE WRITTEN APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
14.

ALL PLANTING BEDS SHALL BE MULCHED TO A MINIMUM DEPTH OF FOUR INCHES WITH WASHED COBBLESTONE AND SHREDDED MULCH (SEE ADJACENT DETAIL) WITH A WEED BARRIER UNDERLAY.



COBBLE MULCH BORDER DETAIL  
SCALE: NTS

TREE AND SHRUB INSTALLATION

EVERGREEN TREES

1. GUY ALL CONIFER TREES AND ALL DECIDUOUS TREES LARGER THAN 2½" CAL. AS SHOWN.

2. IN SODDED AREAS, CUT SOD IN 36" CIRCLE AND MULCH. FOR CONIFERS CUT SOD AT DRIP LINE OF TREE AND MULCH.

3. GUY EVERGREEN TREES IN 3 PLACES AT 45 DEGREE ANGLE SLIGHTLY TAUT ONLY TO ALLOW SOME MOVEMENT. USE NYLON STRAPS (NOT HOSES) WITH METAL GROMMETS.

FLAGGING

SET TOP OF ROOTBALL 4" ABOVE LOWEST ADJACENT GRADE. REMOVE TOP 2/3 OF WIRE BASKET AND BURLAP.

WOOD MULCH (4" DEPTH).

6" DEPTH AMENDED SOIL

BACKFILL PIT WITH EXCAVATED SOIL

DECIDUOUS TREES

STAKE TREES USING METAL POSTS WIRED (SLIGHTLY TAUT), WITH NYLON STRAPS. SET POSTS VERTICALLY PLUMB. NO RUBBER HOSES.

PROTECTIVE RUBBER CAPS ON POSTS.

WRAP TREES TO FIRST BRANCH IN THE FALL. IF PLANTED IN THE SPRING DO NOT WRAP.

REMOVE TOP 3/4 OF WIRE BASKET AND BURLAP. SET TREE ON COMPACTED SUBGRADE WITH TOP OF ROOTBALL 3" ABOVE LOWEST ADJACENT GRADE.

4" DEPTH WOOD MULCH AT BASE OF TREE. 30" DIA. MULCH RING IN LAWN AREAS.

6" DEPTH AMENDED SOIL. NO SPECIAL BACKFILL MIX.

EXISTING SUBGRADE

SHRUBS

PLACE SHRUBS A MINIMUM OF 18" FROM PLANTING BED EDGE (STEEL HEADER, CURBS, WALKS, WALLS, ETC.) FOR 1 GALLON SHRUBS, 3' MINIMUM FOR 5 GALLON DECIDUOUS SHRUBS, 4' FOR CONIFER SHRUB.

FOR 5 GALLON AND LARGER PLANT MATERIAL CONSTRUCT A 2" HIGH WATERING RING AROUND SHRUB AT EDGE OF PLANTING PIT. FOR 1 GALLON MATERIAL, CONSTRUCT A 2" X 18" DIA. WATER RING AND MULCH WITH WOOD BARK INSIDE OF THE WATER RING.

18" MIN.

NO WEED BARRIER FABRIC

LAWN

SHRUB BED FINISHED GRADE

6" DEPTH AMENDED SOIL

EXISTING SUBGRADE

2X ROOT BALL DIA. SCARIFY SIDES AND BOTTOM.

ORNAMENTAL GRASSES

WOOD MULCH (4" DEPTH)

NOTE: DO NOT INSTALL ANY WEED BARRIER FABRIC.

12" O.C.

12" O.C.

12" O.C.

TRIANGULATE GRASSES

www.tfgdesign.com

FRONTERRA

LANDSCAPE ARCHITECTURE  
PLANNING

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(970) 669-3737  
josh@fronterra-design

OWNER:  
Rose Hojio  
H&H Excavation Inc.  
4698 Kiowa Drive  
Greeley, Colorado 80634  
rmhojio@gmail.com

4300 INDUSTRIAL PARKWAY  
LANDSCAPE & IRRIGATION SUBMITTAL

USE BY SPECIAL REVIEW

4300 INDUSTRIAL PARKWAY  
EVANS, COLORADO 80620  
WELD COUNTY

PROJECT INFORMATION:  
PROJECT NUMBER: 301-2101EV  
DATE: 2021.05.12  
PHASE: USR

REVISIONS:

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SHEET TITLE:  
LANDSCAPE NOTES &  
DETAILS

SHEET NUMBER:

L1.2

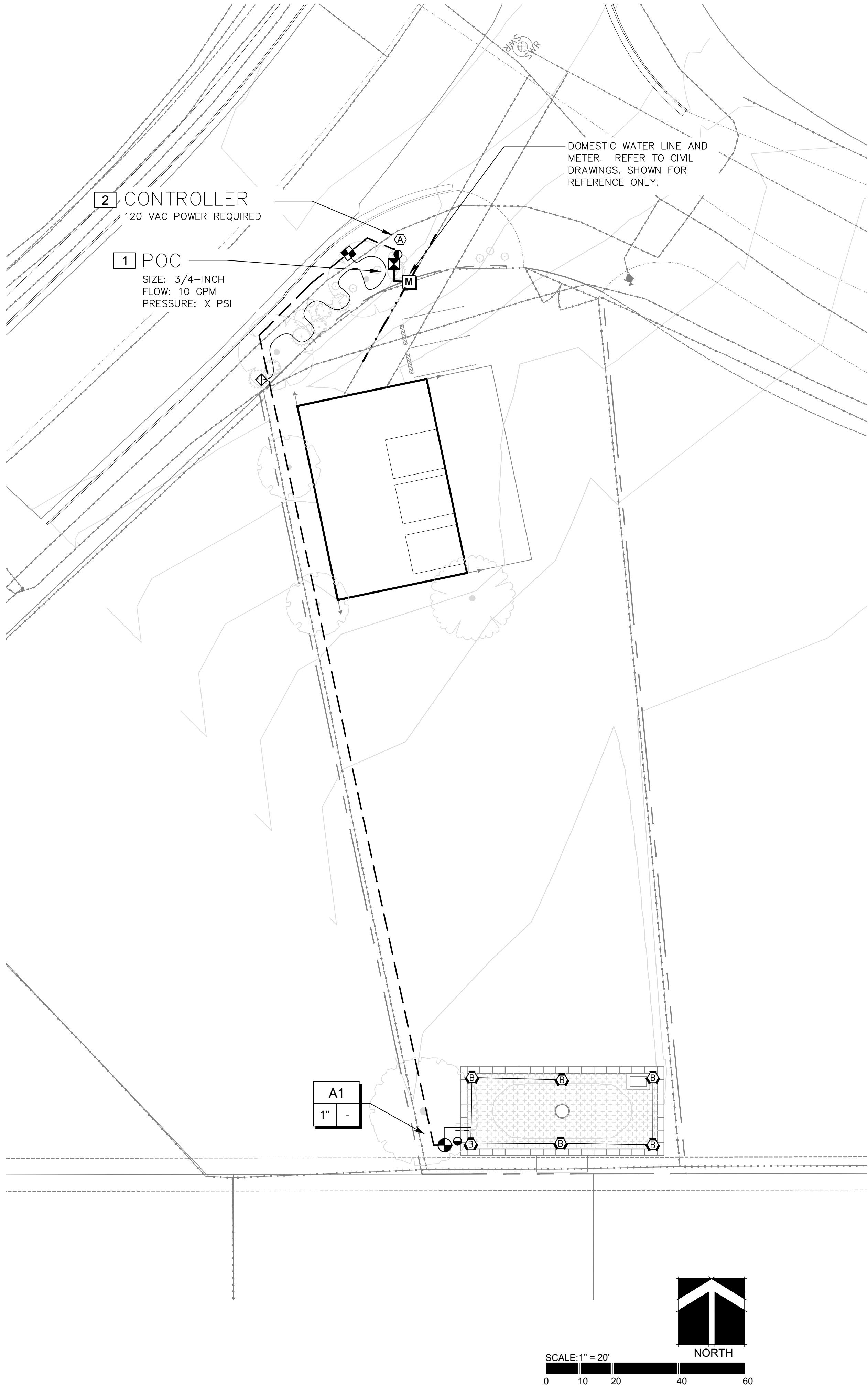
SHEET 2 OF 3

DRAWN BY: josh  
FILE LOCATION: C:\Users\jhojio\Documents\301-2101EV-4300 Industrial Parkway Landscape Notes & Details.dwg  
PLT DATE: 5/13/2021 3:30 PM









IRRIGATION SCHEDULE

SYMBOL	MANUFACTURER/MODEL/DESCRIPTION	PSI
	HUNTER MP3000 PROS-OG-PR540-CV TURF ROTATOR, 6" POP-UP WITH FACTORY INSTALLED CHECK VALVE, PRESSURE REGULATED TO 40 PSI, MP ROTATOR NOZZLE ON PR540 BODY. B=BLUE ADJ ARC 90-210, Y=YELLOW ADJ ARC 210-270, A=GRAY 360 ARC.	40
	DRIP VALVE ASSEMBLY HUNTER IC2-101-25: DRIP CONTROL ZONE KIT. 1" ICV GLOBE VALVE WITH 1" HY100 FILTER SYSTEM. PRESSURE REGULATION: 25PSI. FLOW RANGE: 2 GPM TO 20 GPM. 150 MESH STAINLESS STEEL SCREEN.	
	DRIP FLUSH VALVE 3/4" PVC BALL VALVE	
	REMOTE CONTROL VALVE ASSEMBLY HUNTER ICV-G-F5: 1", 1-1/2", 2", AND 3" PLASTIC ELECTRIC REMOTE CONTROL VALVES, GLOBE CONFIGURATION, WITH NPT THREADED INLET/OUTLET TO COMMERCIAL/MUNICIPAL USE. WITH FILTER.	
	QUICK COUPLER VALVE ASSEMBLY HUNTER HQ-5RC: VALVE WITH YELLOW BRASS COVER, RED BRASS AND STAINLESS STEEL WITH 1/2" INLET, 1-PIECE BODY.	
	REDUCED PRESSURE BACKFLOW PREVENTER FESCO 825YA: SIZED TO MATCH POC METER SIZE. REDUCED PRESSURE BACKFLOW PREVENTER IN STRONG BOX SBBC-30AL LOW PROFILE BACKFLOW ENCLOSURE, WITH MARINE GRADE ALUMINUM. 30"L, 30"H, 16.25"W (76.2CM L, 76.2CM H, 41.275CM W).	
	PEDESTAL MOUNT TRADITIONAL HUNTER A2C-2400-5S: 24-STATION CONTROLLER WITH TWO (2) A2M-600 MODULES IN AN OUTDOOR STAINLESS STEEL WALL MOUNT ENCLOSURE. INSTALL WIRELESS RAIN SENSOR AND SOLAR SYNC	
	IRRIGATION LATERAL LINE: PVC CLASS 200 SDR 21 PVC CLASS 200 IRRIGATION PIPE. ONLY LATERAL TRANSITION PIPE SIZES 1 1/4" AND ABOVE ARE INDICATED ON THE PLAN, WITH ALL OTHERS BEING 1" IN SIZE.	
	PLANTING BED DRIP IRRIGATION LATERAL LINE: 3/4-INCH BLANK UV RADIATION RESISTANT POLYETHYLENE PIPE TO SINGLE OUTLET EMITTERS PER ADJACENT EMITTER CHART.	
	IRRIGATION MAINLINE: PVC CLASS 200 SDR 21	
	DOMESTIC WATER LINE TO REMAIN. REFER TO CIVIL DRAWINGS.	
	PIPE SLEEVE: PVC SCHEDULE 40 INSTALL AS SHOWN ON DESIGN OR TWICE THE SIZE OF THE PIPE OR WIRE RUNNING THRU IT. NO TWO PIPES OR WIRE BUNDLES SHALL SHARE THE SAME SLEEVE.	
	Valve Callout	
	Valve Number	
	Valve Flow	
	Valve Size	

PRELIMINARY NOT FOR BIDDING OR CONSTRUCTION

REFERENCE NOTES SCHEDULE

SYMBOL	DESCRIPTION
1	THE IRRIGATION SYSTEM POINT-OF-CONNECTION (POC) SHALL BE DOWNSTREAM OF THE DOMESTIC WATER TAP AND METER. AT THE APPROXIMATE LOCATION SHOWN (REFER TO CIVIL PLANS FOR EXACT LOCATION). INSTALL BACKFLOW PREVENTION UNIT, MASTER VALVE ASSEMBLY, AND FLOW SENSOR AS INDICATED. VERIFY EXACT LOCATION OF POC WITH OWNER'S REPRESENTATIVE. VERIFY PRESSURE AND FLOW ON SITE PRIOR TO CONSTRUCTION. CONTRACTOR TO INSTALL BACKFLOW PER NATIONAL PLUMBERS CODE AND PER LOCAL CODE. BACKFLOW SHALL BE TESTED UPON INSTALLATION AND ANNUALLY THEREAFTER.
2	PEDESTAL MOUNT THE IRRIGATION CONTROLLER AT THE APPROXIMATE LOCATION SHOWN. COORDINATE ELECTRICAL POWER TO THE CONTROLLER WITH THE OWNER'S REPRESENTATIVE. CARE SHOULD BE TAKEN TO INSTALL THE IRRIGATION CONTROLLER IN A LOCATION THAT IS ACCESSIBLE FOR MAINTENANCE, AND SCREENED FROM VIEW BEHIND PLANT MATERIAL WHERE APPLICABLE. FINAL LOCATION TO BE APPROVED BY OWNER'S REPRESENTATIVE. CONTROLLER TO BE INSTALLED PER NATIONAL ELECTRIC CODE.



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rmhojo@gmail.com

4300 INDUSTRIAL PARKWAY  
LANDSCAPE & IRRIGATION SUBMITTAL

USE BY SPECIAL REVIEW

4300 INDUSTRIAL PARKWAY  
EVANS, COLORADO 80620

WELD COUNTY

PROJECT INFORMATION:  
PROJECT NUMBER: 301-2101EV  
DATE: 05/12/2021  
PHASE: USR

REVISIONS:

SHEET TITLE:  
IRRIGATION PLAN

SHEET NUMBER:

IR1.1



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**CITY OF EVANS, COLORADO**

**RESOLUTION NO. 11-2021**

**A RESOLUTION APPROVING A SPECIAL USE PERMIT REQUEST AN  
OFFICE, MAINTENANCE AND OUTSIDE STORAGE FOR PROPERTY  
LOCATED AT 4300 INDUSTRIAL PARKWAY**

**WHEREAS**, the City Council of the City of Evans, Colorado, pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado; and

**WHEREAS**, Northern Exposure Investments, LLC (“the Owner”) is the owner of certain property located at 4300 Industrial Parkway, located in the City of Evans (the Property); and

**WHEREAS**, the Property is currently zoned I-1, Light Industrial; and

**WHEREAS**, the Owner has requested using the property for an Office, Outside Storage and a Maintenance Facility for company vehicles and equipment in the I-1 Zone District; and

**WHEREAS**, the Outside Storage in excess of 10% allowed in the I-1 Industrial Zone District requires a Special Use Permit; and

**WHEREAS**, the Owner has submitted an application to the City seeking a Special Use Permit to allow the Outdoor Storage to exceed the 10% allowance in addition to the Office and Maintenance Facility uses; and

**WHEREAS**, staff has reviewed the application and deemed it to satisfy all requirements for a Special Use Permit under the Evans City Code, including but not limited to Sections 18.06.060.F.5; and

**WHEREAS**, the matter has been submitted to the required referral agencies for comment and staff has determined that the Applicant has adequately addressed all concerns raised by the referral agencies; and

**WHEREAS**, the City has notified surrounding landowners within 500 feet concerning the Application; and

**WHEREAS**, on May 25, 2021, the Applicant’s Special Use Permit request was considered by the Evans Planning Commission which recommend approval of the Special Use Permit; and

**WHEREAS**, the following proper notice was considered by the Evans City Council at a public hearing on June 15, 2021 during which the Council considered the application, the comments of City staff, Planning Commission's recommendation, public comments in support of the application, if any, and public comments in opposition to the application, if any.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO AS FOLLOWS:**

1. All of the following circumstances must be determined to be true in order to approve a Special Use Permit request in accordance with the applicable standards found in Section 18.06.060.F.5 of the Evans Municipal Code:
  - a. The proposed use is found to be unlikely to harm the health, safety or welfare of the City or its residents.
  - b. The proposed use would benefit the City in terms of employment, tax revenue or other similar effects, as compared to the absence of the proposed use. The proposed use will not cause an undue burden on the City to serve.
  - c. The proposed use shall be consistent with the Comprehensive Plan, Development Standards, the Master Drainage Plan, and any plan in effect at the time of application and shall be compatible with the surrounding area.
  - d. The location, size, design and operating characteristics of the proposed use shall be compatible with the existing and proposed future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity. Reasonable conditions may be placed on uses by special review to protect the public health, safety and welfare by mitigating impacts.
  - e. The site shall be physically suitable for the type and intensity of the proposed land use.
  - f. The proposed land use shall not adversely affect traffic flow and parking in the neighborhood.
  - g. The location of other approved special uses in the neighborhood shall be determined, in order to avoid an over-concentration of such uses.

**AND**

- m. Outdoor Storage shall comply with the following standards:
  - (1) Reviewed through special use review process.
  - (2) Maximum outdoor storage as a primary use shall be limited to three (3) acres. If parcel is larger than three (3) acres, up to a maximum of three (3)



acres may be used for outdoor storage use. The total of all tenant's outdoor storage shall not exceed three (3) acres.

- (3) Special Use approval shall be for terms no longer than five (5) years; any extension beyond five (5) years shall require a new special use review application and review process.
- (4) Design standards may be increased as a condition of approval, including but not limited to enhanced screening, landscaping, and limitations on height of material storage.
- (5) Special Use Review approval may be transferred due to sale or lease of property, subject to storage of same material does not change.

2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

3. Repeal. Existing resolutions or parts of resolutions covering the same matters embraced in this Resolution are hereby repealed and all resolutions or parts of resolutions inconsistent with the provisions of this Resolution are hereby repealed.

**PASSED AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS 15<sup>th</sup> DAY OF JUNE, 2021.**

ATTEST:

CITY OF EVANS, COLORADO

\_\_\_\_\_  
Julie Kamka, City Clerk

BY: \_\_\_\_\_  
Brian Rudy, Mayor

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# CITY COUNCIL AGENDA REPORT

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**DATE:** May 25, 2021

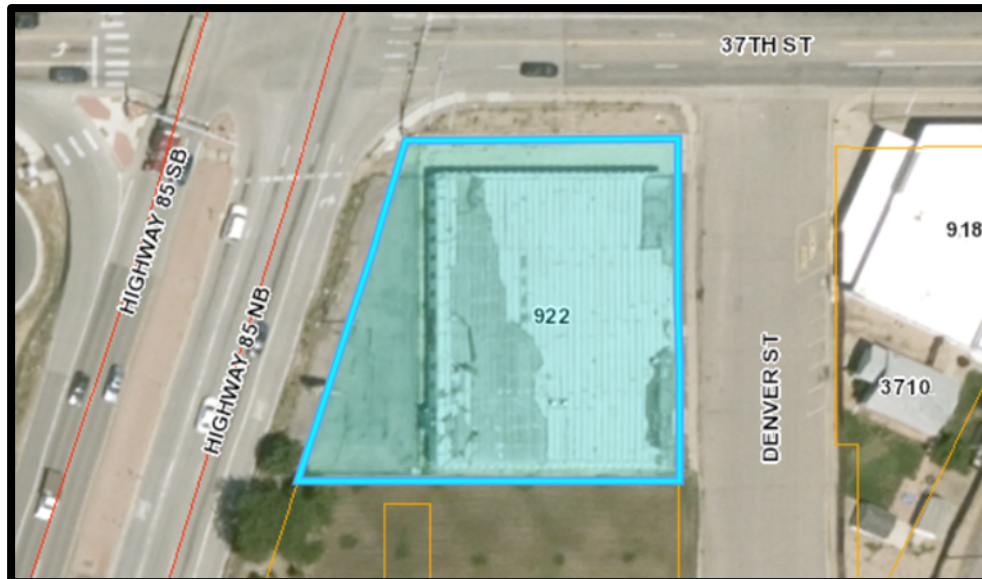
**SUBJECT:** Special Use Permit to allow Motor Vehicle Sales, Office and outdoor storage at 922 37<sup>th</sup> Street in the 85-RC-N Zone District.

**PRESENTED BY:** Anne Best Johnson, Community Development Director

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## ITEM DESCRIPTION:

The applicant is seeking approval of a Special Use Permit for a 0.496-acre parcel located at 922 37th Street with an existing building on the lot. The existing building was constructed in 1969 and was used as a retail store. The property is zoned 85-RC-N. See site location on the map below.



The intent of the Special Use Permit process can be found in Section 18.06.060.F which states, “To provide a review process for development of properties in the City of Evans, to promote orderly and sound development standards, and to enhance and protect the community's natural as well as manmade environments. The Special Use Permit process will evaluate the proposed land use and mitigating measures to eliminate negative impacts to other land uses, transportation systems, public facilities, or the like, in the surrounding neighborhood, thereby ensuring that the proposed Special Use will not harm the health, safety and welfare of the city and its residents. The Zone District Use Standards found in the Establishment of Zoning Districts Chapter of the Land Use Code specify which land uses may be contemplated through a Special Use Permit. Applications for a Special Use Permit shall illustrate conformance to the Zoning District the land use is proposed within, the Development Standards found in the Land Use Code, shall be compatible with surrounding and adjacent properties and the City's Standards and Specifications

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published through the City Engineering Department, and conform to applicable development guidelines associated with an approved subdivision or PUD the property is within.”

The property is located within the US85-Overlay District and has been classified as within the 85-RC-N Zone District. The intent of the RC-N Zone District is to provide an area for retail establishments to cater to residents, businesses and the neighboring properties. The most recent land use of the property was for the Evans Flea Market. The property owner had originally applied for a Site Plan. “Office” uses are allowed through the Site Plan process. After considering the long-term use of the property, the property owner decided to change from a Site Plan process to a Special Use Permit process to utilize the property for not only an “Office” but to also include “Motor Vehicle Sales” and “Outdoor Storage” uses. The applicants’ business is focused on the restoration of classic and antique cars. The applicants have their larger sales floor and show room outside of Evans but wanted to maximize their property potential in Evans and may have sales of vehicles from the property.

The current property is 100% impervious with more than half the site encumbered with the existing building. The building footprint will not be changing however, trees and shrubs will be added to the north side of the building in the public right-of-way, and trees will be added to the east and west sides of the building. The maximum lot coverage allowed in the 85-RC-N zone district is 80%. The applicant is proposing approximately 10% pervious areas with the removal of existing pavement. The landscaped areas will be planted with trees and shrubs approved by the City Operations Department. The other third of the site will include space for the public sidewalk, a paved area on the west and a paved drive lane on the north for automobiles to enter the show room that cannot make the grade change to enter the eastern garage door.

While this proposal represents redevelopment of an existing property, it sits at an important entrance to the City of Evans at the southeastern corner of US85 and 37<sup>th</sup> Street. The property owner recognizes this impact and in addition to the trees which will be planted along the western property boundary, the existing chain link fence will be removed, as is required by the 85-Overlay District development standards and replaced with a cedar fence running parallel with US-85. This fence will provide privacy for the limited Outdoor Storage (18%). The Evans Municipal Code specifies that Outdoor Storage is a use to be permitted through the Special Use Permit process in the 85-RC-N Zone District. While the Land Use Code authorizes up to 20% of a property in this Zone District to be used for Outdoor Storage, the applicants will only utilize 18% of the property in Outdoor Storage. This limitation is imposed solely upon the lot configuration and the existing building footprint.

Section 18.06.060.F.3 provides a listing of application materials required for Special Use Permit submittal. The applicant’s submittal package was deemed substantially complete on November 24, 2020. The applicant changed the process from a Site Plan to a Special Use Permit on March 27, 2021 to allow greater flexibility for the future use of the property. Application materials were modified prior to bring forward to a Public Hearing. Development Standards and Conditions of Approval address items to be completed prior to recording.

Section 18.06.060.F.4 provides the review process to be followed by City Staff and Referral Agencies when reviewing a Special Use Permit Application. See dates below illustrating compliance.

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- The application was received on November 24, 2020 and received approval through the Completeness Review process on November 24, 2020.
  - Referral agencies were noticed of the application on November 30, 2020.
  - Surrounding property owners within 500' of the property were noticed by first class mail on December 2, 2020. Notices were mailed to 291 property owners within the 500' radius.
  - The property was posted with a sign noticing the pending application on December 2, 2020.
  - Resubmittal of application materials conforming to the Special Use Permit process were provided to the City on March 27, 2021.
  - A sign was posted on the property noticing the pending land use hearings on May 11, 2021.
  - Surrounding property owners within 500' of the property were noticed by first class mail on May 12, 2021. Notices were mailed to 291 property owners within the 500' radius.
  - Notice was published in the Greeley Tribune on May 14, 2021 as required by Section 18.10.010 of the Municipal Code.

The Criteria for Evaluation of a Special Use Permit Site Plan can be found in Section 18.060.060.F.5. The Criteria is found below:

*a. The proposed use is found to be unlikely to harm the health, safety or welfare of the City or its residents.*

Findings: Referral agency review, Staff review and public notice have not uncovered potential for this use to harm the health, safety and welfare of the City or its residents. The application is proposing renovation of an existing facility and bringing the exterior into compliance with the site design and landscaping requirements.

*b. The proposed use would benefit the City in terms of employment, tax revenue or other similar effects, as compared to the absence of the proposed use. The proposed use will not cause an undue burden on the City to serve.*

Findings: The renovation of an existing building on a prominent corner at 37th Street and US Highway 85 is a benefit to the City. The proposed use as a collector car show room and potential sales floor will benefit the City of Evans. In addition, the applicant is open to discussing community events and engaging with the City. The City Building Official has met on site to ensure the renovations were made to support the intended use.

*c. The proposed use shall be consistent with the Comprehensive Plan, Development Standards, the Master Drainage Plan, and any plan in effect at the time of application and shall be compatible with the surrounding area.*

Findings: The renovation of an existing building along with the additional site improvements of landscaping, removal of a non-conforming sign and removal of non-conforming fence will be made in adherence to the US-85 Overlay District, the Master Plan and the Master Drainage Plan.

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Minimal exterior changes are planned with the exception of drainage and landscaping improvements discussed in the Conditions of Approval and Development Standards.

*d. The location, size, design and operating characteristics of the proposed use shall be compatible with the existing and proposed future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity. Reasonable conditions may be placed on uses by special review to protect the public health, safety and welfare by mitigating impacts. AND*

*e. The site shall be physically suitable for the type and intensity of the proposed land use.*

Findings: The previous use of the property as a flea market generated more traffic than what the applicant projects for this use. The building has been renovated, inspected for uses proposed, and the resulting site improvements will enhance the business neighborhood.

*f. The proposed land use shall not adversely affect traffic flow and parking in the neighborhood.*

Findings: The previous use of the property as a flea market generated more traffic than what the applicant projects for this use. The applicant projects a limited number of vehicle trips to the facility each day.

*g. The location of other approved special uses in the neighborhood shall be determined, in order to avoid an over-concentration of such uses.*

Findings: The proposed use does not contribute to an over-concentration of such uses.

*h. Special Use Permits within approved planned unit developments.*

*i. Mini-storage units shall also comply with the following standards.*

*j. Car wash facilities shall also comply with the following standards.*

*k. Oil and gas facilities.*

*l. Telecommunications facilities. Telecommunications facilities shall only be installed, erected and/or constructed in accordance with Section 18.06.070, Telecommunications.*

Findings: Not applicable

*m. Outdoor Storage shall comply with the following standards.*

Findings: The proposed outdoor storage shall comply with the US-85 Overlay Standards for Outdoor Storage found in Section 18.04.080D of the Municipal Code.

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## **FINANCIAL SUMMARY:**

There is not a negative financial impact to the City by approving the Special Use Permit.

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## **RECOMMENDATION:**

Staff recommends that the Planning Commission find the Special Use Permit for 922 37<sup>th</sup> Street to meet the Criteria for Approval as outlined in Section 18.06.060.F.5 of the Municipal Code and

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contained in this Staff Agenda Memo. Staff recommends the following Conditions of Approval met prior to the City Council hearing:

1. The applicant shall enter into a Site Improvements Agreement with the City. The development agreement shall be amended to cover the following activities:
  - a. Removal of the sign located on the west side of the property.
  - b. Removal of the chain link fence and replacement of the fence with a material allowed in the US-85 Overlay District described in 18.08.100.L of the Land Use Code.
  - c. Landscaping and irrigation installation timing.

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**SUGGESTED MOTIONS:**

*“I move to approve the Special Use Permit for property located at 922 37<sup>th</sup> Street with the Conditions of Approval found in the Recommendation Section of the Staff Report.”*

*“I move to deny the Special Use Permit for property located at 922 37<sup>th</sup> Street for the reasons stated.”*

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**ATTACHMENTS:**

Attachment 1: Special Use Permit Narrative

Attachment 2: Special Use Permit Mapping Package

Attachment 3: Draft Resolution 09-2021

## **Special Use Permit: 922 37<sup>th</sup> Street**

- i. The proposed land use and how the proposed use of the property is in conformance with the Zone District Use Standards and Dimensional Standards. The property is located in the 85-RC-N Zone District. The existing building is in the process of being renovated for use by Dan and Deb Baker for office and vehicle storage. There will be a car lift in the south east quadrant of the building that Dan may do minor repairs and or cleaning on his vehicles. A grease trap will be added to the bathroom sink. The existing building will be used for Office Uses, limited screened Outdoor Storage, and Motor Vehicle Sales. These uses are allowed through either a Special Use Permit or Site Plan process. Because of the mixed uses proposed, the applicant has submitted a Special Use Permit. On a regular basis, there may be up to 3 other people in the building with Dan and Deb. While regular vehicle sales are not anticipated, the applicant has requested the Special Use Permit to cover vehicle sales in the event the facility becomes a sales floor. Family, friends etc. are the main visitors expected. This is a much less intense use than an allowed use such as an office in the 85 retail district. The building is existing and is not being enlarged and is grandfathered in for dimensional standards.
- ii. How the proposed land use will be compatible with existing uses and the zone district of adjacent properties. The use will be compatible with surrounding land uses. The intended landscaping and sidewalk improvements improve the surrounding land uses. Surrounding land uses include US 85 on the west, a furniture store on the east, a vacant residential lot to the south and City of Evans detention facility to the north.
- iii. A description of all structures to be built on the site, including size, quantity, use and the number of units per structure. For multi-family residential, the number of residential units and bedrooms per unit. No Structures are planned to be built on the site. A 6' privacy fence will be built along the west side of the property to screen the planned outdoor storage. The fence shall comply with Section 18.08.100.L of the land use code and will be constructed of wood.
- iv. Hours of operation. The facility will be normally open from 6 am – 7 pm, 7 days a week. Operation outside these hours may occur by the property owner.
- v. Number of employees and the type of activity. If the use is residential, the type of units and the number of each unit to be built shall be specified. At this time, there will be no employees on site. In the future, there may be employees.
- vi. How the Review Criteria will be met. List the review criteria and provide a brief explanation on how they will be met/adhered to.
- vii. How the Development Standards will be complied with. The building is existing. The Bakers will add 2 canvas canopies over the walk doors on the north and east side. Landscaping will be added as shown on the Landscape Plan.

viii. Adherence to Building and Fire Codes currently in place. The building and its minor revisions/ repairs have been inspected by Safebuilt and the Firewall that was constructed was designed by an licensed architect.

ix. A statement explaining the phasing of the development. Landscaping will be installed when the weather is warm enough to do so and as specified in the Site Improvements Agreement to be entered into by the applicant and City Council.

x. Complete listing of landscape materials costs and installation costs including the irrigation system. Landscaping and irrigation are described on plans submitted with the Special Use Permit.

xi. If the project is within the U.S. 85 Overlay District, a statement/illustration on the Special Use Permit map indicating how the proposal conform to the District standards.

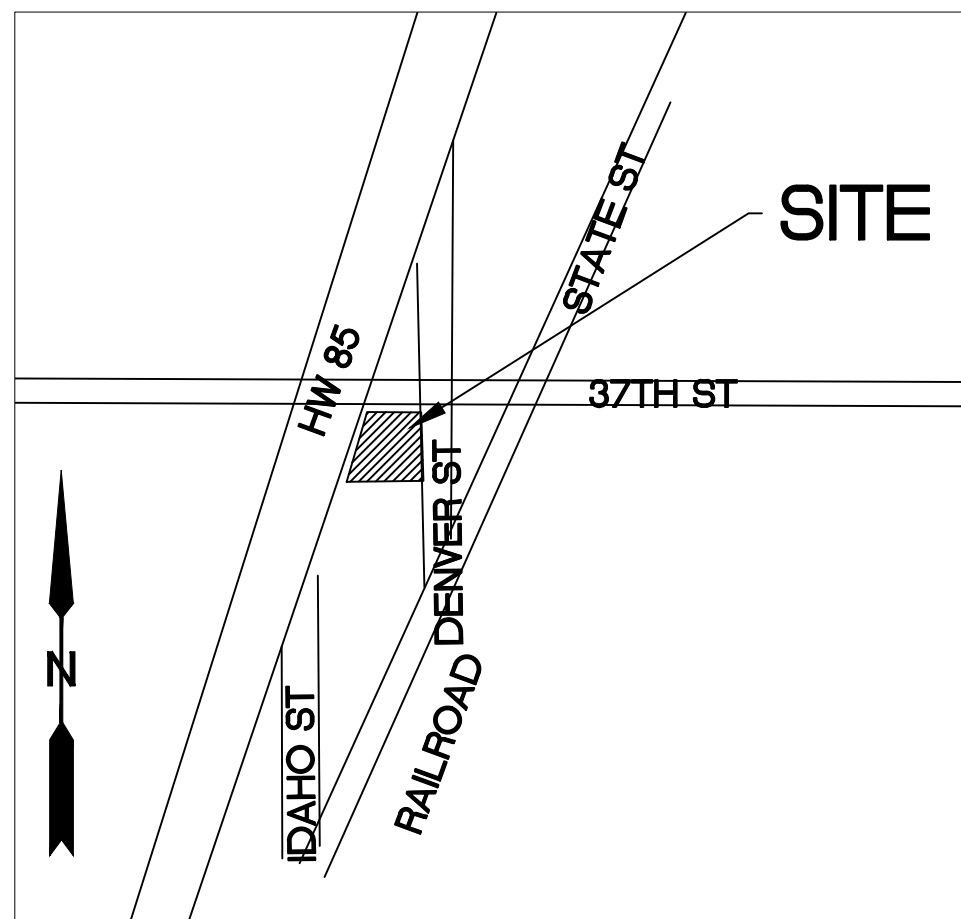
The property is located in the 85-RC-N Zone District. The existing building will be used for Office Uses, limited screened Outdoor Storage, and Motor Vehicle Sales. These uses are allowed through either a Special Use Permit or Site Plan process. Because of the mixed uses proposed, the applicant has submitted a Special Use Permit. Application materials have been submitted in accordance with the Special Use Permit application materials requirements. Application materials have been prepared in accordance with the requirements as well as the US-85 Overlay District and standard City Development Standards.

xii. A statement of any known hazards and other important environmental conditions present on the property. If there are known hazards, a statement on how these will be mitigated inclusive of floodplain information. The building used to be a furniture store. There were no floor drains, grease traps or tanks that would indicate any sort of pollution had taken place inside the building. The building is not in the flood plain.

xiii. For all commercial, industrial and multi-family applications, an economic impact report describing the impacts of the development on City services and tax base must be submitted. Information regarding the tax base should include anticipated revenues (annual sales, sales tax), jobs created, wage ranges, anticipated customer and where the customers will travel from, where will employees live, and how the responses differ from the previous use. If the application is part of a previously approved PUD and as part of the PUD approval process, there was an economic impact report submitted then no report is necessary. If there was not an economic impact report submitted as part of a PUD approval process, then an economic impact report is required. At this time, Dan and Deb will not have any employees. Sales initially will be minimal a few times a year.

# 922 37TH STREET SPECIAL USE PERMIT

LOTS 1 THROUGH 6 INCLUSIVE, LOTS 31 THROUGH 36 INCLUSIVE,  
AND VACATED ALLEY ADJOINING LOTS, ALL IN BLOCK 5, CITY  
OF EVANS, SAID BLOCK BEING A PART OF THE NW1/4 SEC 29,  
T5N, R65W, EVANS, COLORADO, EXCEPT HIGHWAY  
RIGHT-OF-WAY



## VICINITY MAP

### Project Owner/ Applicant

Dan and Deb Baker  
922 37th St  
Evans CO 80620  
Cell 970-396-4276  
dansgarage@what-wire.com

### Project Engineer

Eric Wernsman  
16495 Essex Rd S  
Platteville CO 80651  
Cell 970-539-2656  
ejwerns25@gmail.com

### DEVELOPMENT STANDARDS

- Approval of this plan may create a vested property right pursuant to Article 68 of Title 24 C.R.S., as amended.
- The plans reviewed by the City and subsequently recorded with Weld County Clerk and Recorder constitute the extent of the land use approval. Any changes may necessitate an amendment to the land use permit.
- All required building permits for structures, buildings and new signs shall be filed with the City of Evans for review and issuance. Review by the Evans Fire Protection District is required.
- The site shall remain in compliance with the City Code at all times.
- All landscaping that is not healthy or is damaged shall be replaced during the current growing season.
- All lighting shall be shielded and not spill onto adjacent properties. Lighting shall adhere to the international dark sky standards.
- Nuisance conditions are cause for revocation of the permit.
- The site shall remain in compliance with the approved Site Improvements Agreement entered into by the applicant and City Council.

### CERTIFICATE OF OWNERSHIP:

KNOWN ALL MEN BY THESE PRESENTS THAT DAN AND DEB BAKER BEING THE OWNER(S), MORTGAGE OR LIENHOLDER OR CERTAIN LANDS IN EVANS, COLORADO, DESCRIBES AS FOLLOWS:  
CONTAINING 0.52 ACRES MORE OR LESS: HAVE BY THESE PRESENTS LAID OUT, PLATTED AND SUBDIVIDED THE SAME INTO LOTS AND BLOCKS, AS SHOWN ON THIS PLAT, UNDER THE NAME AND STYLE OF, AND DO HEREBY DEDICATE TO THE PUBLIC ALL WAYS AND OTHER PUBLIC RIGHTS-OF-WAY AND EASEMENTS FOR PURPOSES SHOWN HEREON.  
EXECUTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2021.  
OWNER(S), MORTGAGES OR LIENHOLDERS

THE FOREGOING WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2021.  
WITNESS MY HAND AND SEAL

NOTARY PUBLIC

### SITE AND LOT INFORMATION

Existing Zoning: 85-RC-N  
Building Use: Personal Office and Personal Vehicle Storage  
(Most similar to the allowed listed Use of Office and Financial)

	FRONT	SIDE	REAR
EXISTING SETBACKS	18.7'	9.5'	2.6'
EXISTING BUILDING HEIGHT	less than 14'		

SITE	Land Use Area (ft <sup>2</sup> )	% OF SITE
Existing Building Footprint	12,800	55.9%
Paved/ Concrete Surfaces	7991	34.8%
Landscaping (open) space	2124	9.2%
Total Area	22,915	

Outdoor Storage Area 4040 s.f. 17.6%

PARCEL #: 096129206004

REQUIRED PARKING:  
Building not open to public  
Bakers Personal Use requires 4 spaces

PARKING PROVIDED:  
PROPOSED PARKING SPACES = 4

### INDEX

C0	COVER SHEET
C1	SPECIAL USE PERMIT
C2	UTILITY PLAN
L1	LANDSCAPE PLAN
L2	IRRIGATION PLAN

### UTILITY PROVIDER CONTACT INFORMATION

AGENCY	CONTACT	PHONE	EMAIL
ATMOS ENERGY 1200 11TH AVE GREELEY CO 80631	CURTIS RAU	970-304-2089	CURTIS.RAU@ATMOSENERGY.COM
CENTURYLINK 124 W MAGNOLIA ST FT COLLINS, CO 80524	CHERYL BOOTH	702-860-0187	CHERYL.A.BOOTH@CENTURYLINK.COM
COMCAST 3737 W 10TH ST GREELEY CO 80634	JOHN HAMBURG		John_Hamburg@comcast.com
XCEL ENERGY 1500 6TH AVE GREELEY CO 80631	PAT KREAGER	970-225-7840	PAT.KREAGER@XCELENERGY.COM

### CITY ENGINEER:

APPROVED BY THE CITY ENGINEER OF THE CITY OF EVANS, COLORADO,  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2020.

CITY ENGINEER

### COMMUNITY DEVELOPMENT DIRECTOR:

APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY  
OF EVANS, COLORADO, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2020.

COMMUNITY DEVELOPMENT DIRECTOR

### PLANNING COMMISSION CERTIFICATE:

APPROVED BY THE CITY OF EVANS PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. \_\_\_\_\_.

CHAIRMAN

### CERTIFICATE OF APPROVAL BY THE CITY COUNCIL:

APPROVED BY THE CITY COUNCIL OF EVANS, COLORADO, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. \_\_\_\_\_.

MAYOR

ATTEST:  
CITY CLERK

DRAWN FOR  
Dan and Deb Baker  
922 37th St  
Evans, CO 80620  
Phone: (970) 396-4276

922 37th Street  
SPECIAL USE PERMIT  
COVER SHEET  
922 37th Street  
Evans, CO 80620

WERNSMAN ENGINEERING  
AND LAND DEVELOPMENT LLC  
16495 ESSEX ROAD SOUTH  
PLATTEVILLE CO 80651  
PHONE 970-539-2656

DRAWN  
DG  
CHECKED  
EW  
DATE  
5/10/2021  
SCALE  
1" = 20'  
PROJECT #

SHEET

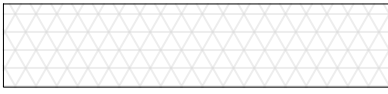
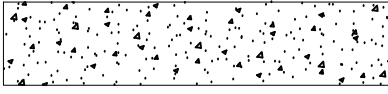
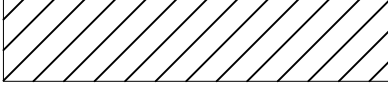
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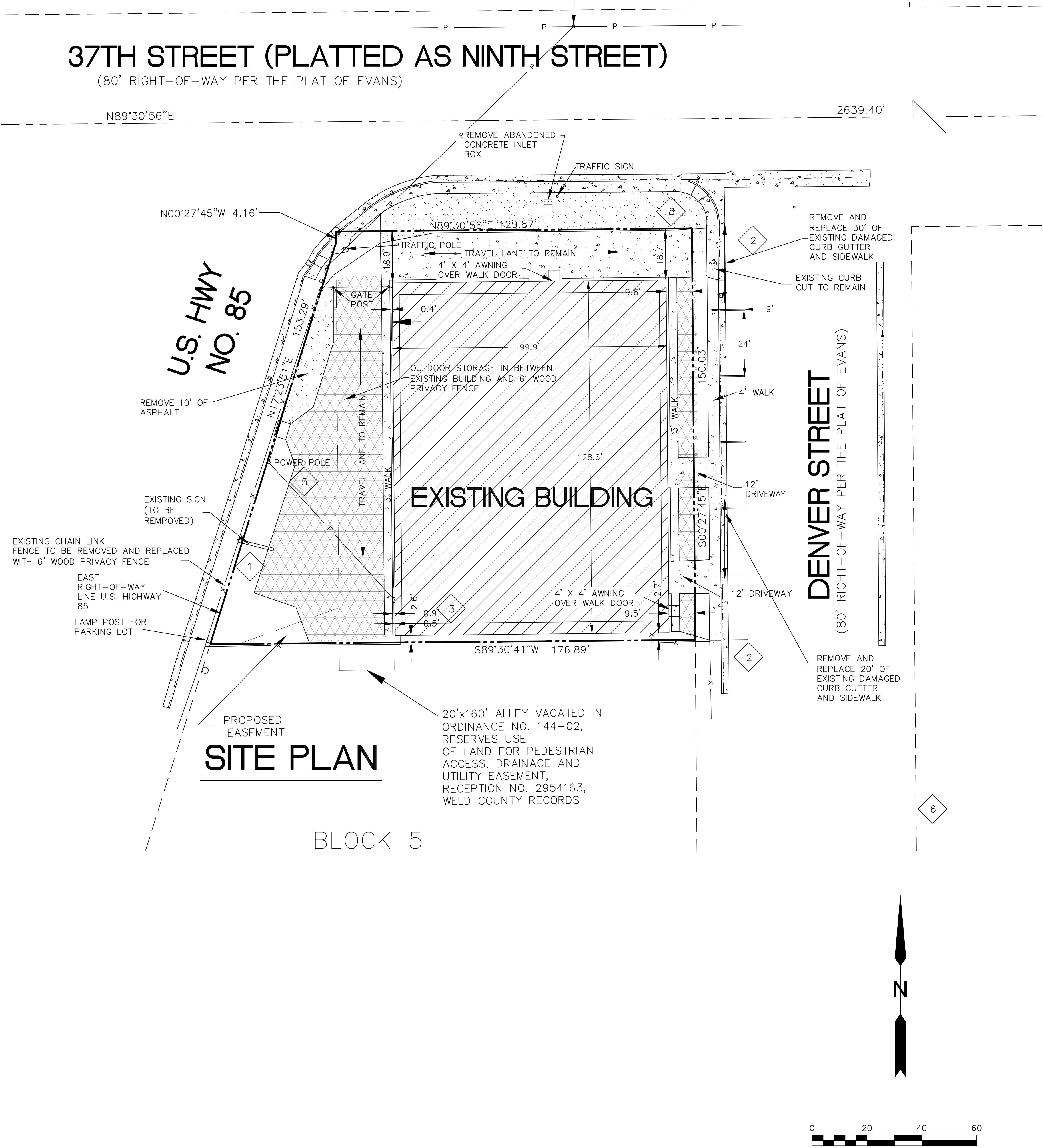
SITE NOTES

- 1. A 10 ft strip of asphalt will be removed along HW 85 and Landscaping will be placed.
- 2. There is existing rollover curb along the entire site so no curb-cuts are required to enter the site.
- 3. There is an existing ¾" water service in the south west corner of the building. The meter is inside the building. The existing sewer service also runs west out the south west corner of the building. A backflow device will be installed inside the building soon after it enters the building.
- 4. We are assuming there is no perimeter drain around the existing building
- 5. No changes are required to the existing electrical service. There is an existing pole mounted transformer west of the building that will remain.
- 6. There is an existing fire hydrant on the east side of Denver St that is approx. 170' south of the building.
- 7. Please see cover sheet C0 for additional site information.
- 8. Remove existing asphalt in City ROW to install Landscaping along north side of building.

Please see the numbers on the site plan that reference the notes above.

LEGEND:

EASEMENT	-----
GUTTER FLOWLINE	-----
PROPERTY LINE	-----
FENCE LINE	----- x ----- x -----
ASPHALT	
CONCRETE	
EXTENT OF BUILDING	



DRAWN FOR  
Dan and Deb Baker  
32776 Vista Lake Rd  
Greeley, CO 80631  
Phone: (970) 396-4276

922 37th Street  
SPECIAL USE PERMIT  
SITE PLAN  
922 37th Street  
Evans, CO 80620

WERNISMAN ENGINEERING  
AND LAND DEVELOPMENT LLC  
16495 ESSEX ROAD SOUTH  
PLATTEVILLE CO 80651  
PHONE 970-539-2656

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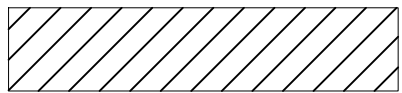
C1

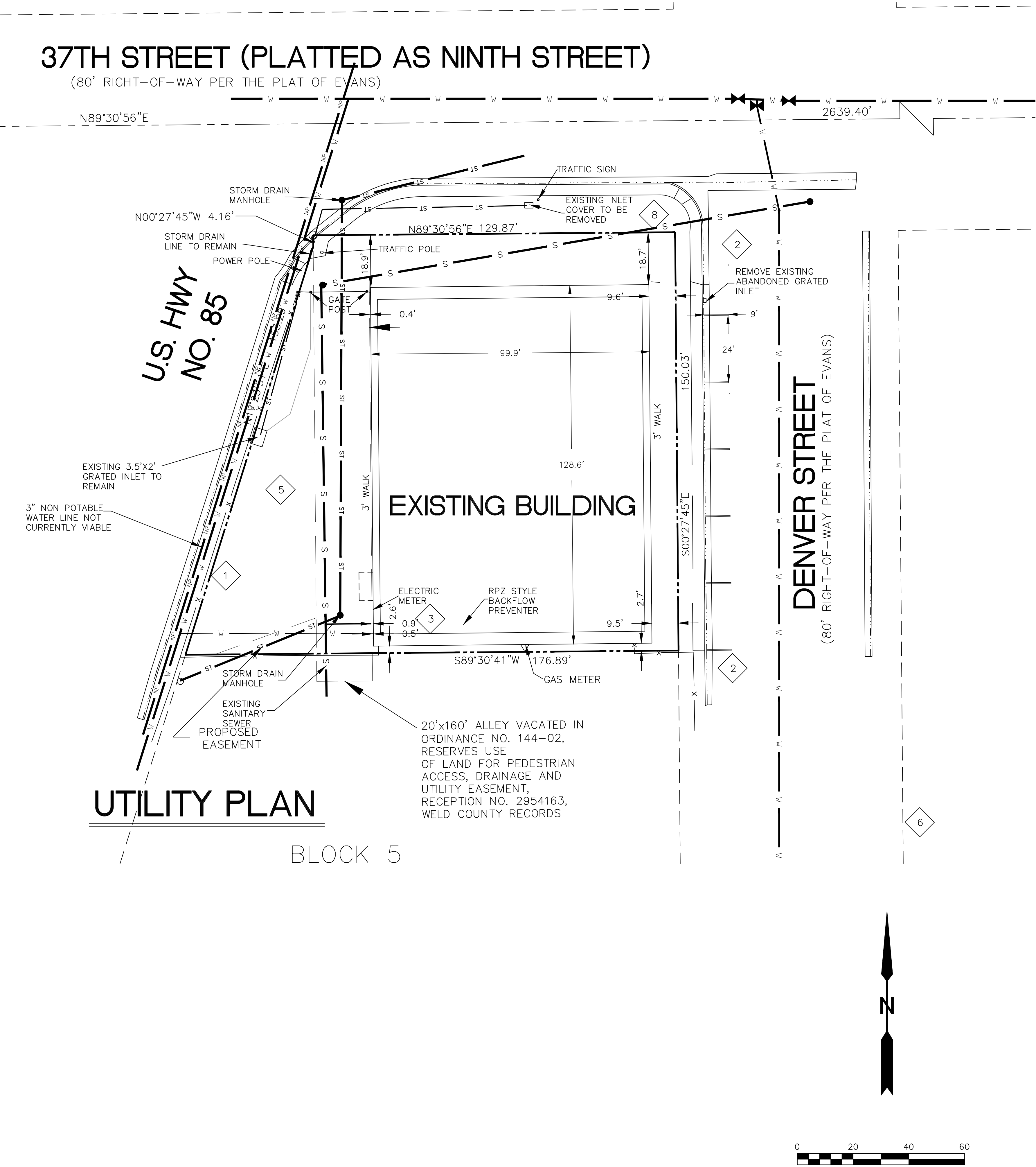
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Please see the numbers on the site plan that reference the notes above.

LEGEND:

EASEMENT	---
GUTTER FLOWLINE	- - - - -
PROPERTY LINE	---
WATER LINE	— W — W —
NON POTABLE WATER LINE	— NP — NP —
SEWER LINE	— S — S —
STORM SEWER LINE	— ST — ST —
OVERHEAD POWER LINE	— P — P —
FENCE LINE	— x — x —
EXTENT OF BUILDING	



DRAWN FOR  
Dan and Deb Baker  
32776 Vista Lake Rd  
Greeley, CO 80631  
Phone: (970) 396-4276

922 37th Street  
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SHEET

C2



922 37TH STREET SITE PLAN REVIEW  
LOTS 1 THROUGH 6 INCLUSIVE, LOTS 31 THROUGH 36 INCLUSIVE,  
AND VACATED ALLEY ADJOINING LOTS, ALL IN BLOCK 5, CITY  
OF EVANS, SAID BLOCK BEING A PART OF THE NW1/4 SEC 29,  
T5N, R65W, EVANS, COLORADO, EXCEPT HIGHWAY  
RIGHT-OF-WAY



LANDSCAPE ARCHITECT

Planscapes  
950 Norway Maple Drive  
Loveland, Colorado  
970-988-5301

ENGINEER

Wernsman Engineering  
Eric Wernsman  
Evans, Colorado 80521  
(970)539-2656

COLORADO

BAKER  
SITE PLAN REVIEW

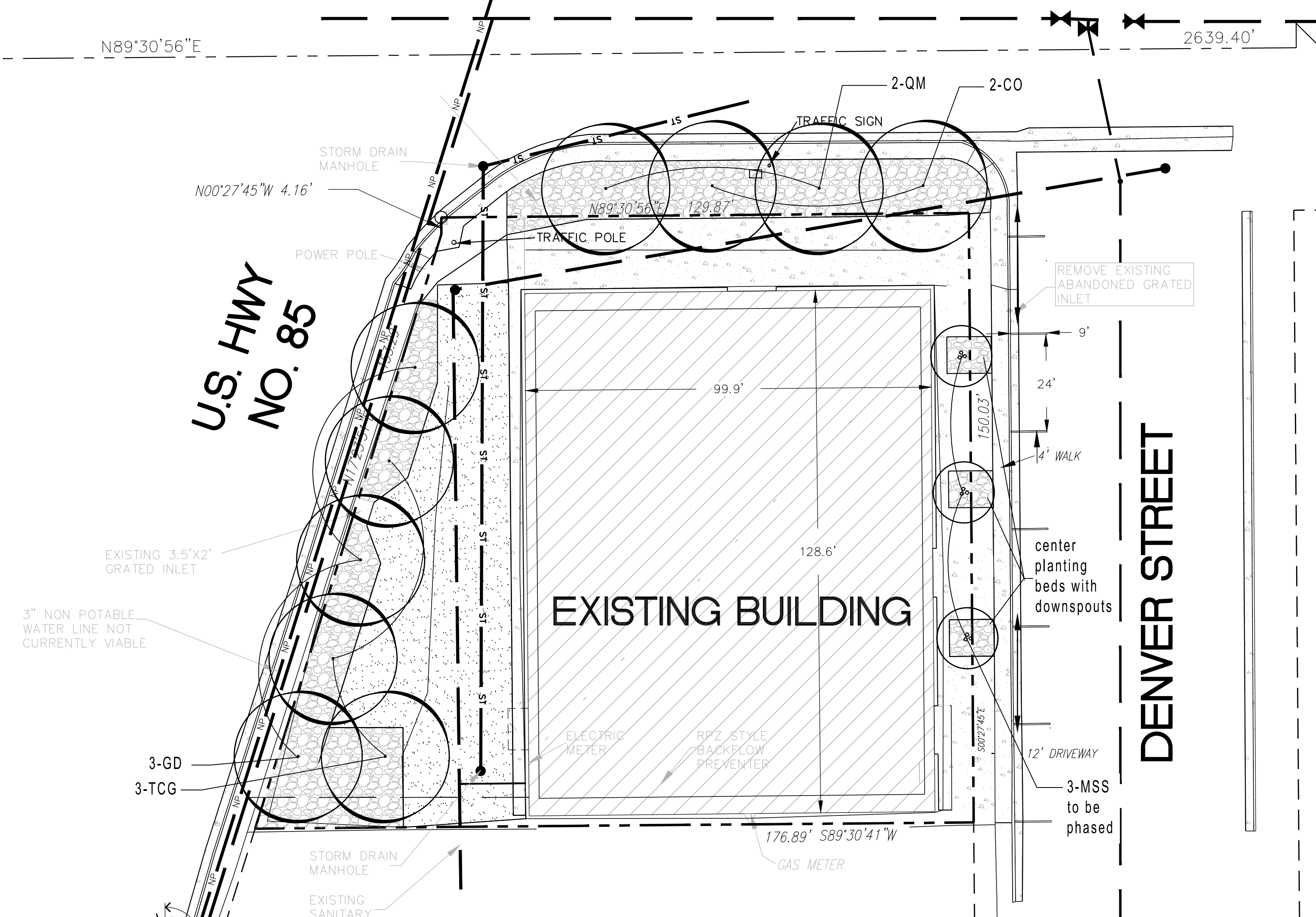
EVANS

LANDSCAPE PLAN

DATE 01/23/2021  
JOB NO. RM  
DRAWN RM  
CHECKED RM  
REVISED 05/10/2021

L1

37TH STREET (PLATTED AS NINETH STREET)



PLANT NOTES

- ALL PLANT MATERIAL SHALL MEET SPECIFICATIONS OF THE AMERICAN ASSOCIATION OF NURSERYMEN (AAN) FOR NUMBER ONE GRADE. ALL TREES SHALL BE BALLED AND BURLAPPED OR EQUIVALENT.
- NO PLANT MATERIAL WITH MATURE GROWTH GREATER THAN THREE FEET (3') IN HEIGHT SHALL BE PLANTED WITHIN WATER AND SEWER EASEMENTS.
- NO SHRUBS SHALL BE PLANTED WITHIN FIVE FEET (5') RADIUS OR TREES WITHIN TEN FEET (10') OF WATER METERS, FIRE HYDRANTS, OR SANITARY SEWER MANHOLES.
- DEVELOPER SHALL ENSURE THAT THE LANDSCAPE PLAN IS COORDINATED WITH THE PLANS DONE BY OTHER CONSULTANTS SO THAT THE PROPOSED GRADING, STORM DRAINAGE, OR OTHER CONSTRUCTION DOES NOT CONFLICT NOR PRECLUDE INSTALLATION AND MAINTENANCE OF LANDSCAPE ELEMENTS ON THIS PLAN.
- ALL LANDSCAPE AREAS WITHIN THE SITE SHALL BE IRRIGATED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM. IRRIGATION WILL BE REQUIRED IN ACCORDANCE WITH THE SITE IMPROVEMENT AGREEMENT.
- ALL TURF AREAS TO BE IRRIGATED WITH AN AUTOMATIC POP-UP IRRIGATION SYSTEM. ALL SHRUB BEDS AND TREES ARE TO BE IRRIGATED WITH AN AUTOMATIC IRRIGATION (TRICKLE) IRRIGATION SYSTEM, OR ACCEPTABLE ALTERNATIVE. THE IRRIGATION SYSTEM IS TO BE ADJUSTED TO MEET THE WATER REQUIREMENTS OF THE INDIVIDUAL PLANT MATERIAL.
- ALL SHRUB BEDS TO BE MULCHED 3" DEEP WITH 3/4" RIVER ROCK PLACED ON WEED BARRIER FABRIC. ROCK MULCH OR GRAVEL SHALL NOT BE PLACED WITHIN TWO (2) FEET OF REQUIRED TREES.
- SOIL AMENDMENTS. PRIOR TO INSTALLATION OF PLANT MATERIALS, AREAS THAT HAVE BEEN COMPACTED OR DISTURBED BY CONSTRUCTION ACTIVITY SHALL BE THOROUGHLY LOOSENEED. 4 CU.YDS. 1000 SQ.FT. OF ORGANIC AMENDMENTS SUCH AS COMPOST, PEAT, OR AGED MANURE SHALL BE THOROUGHLY INCORPORATED INTO THE SOIL.
- MAINTENANCE. LANDSCAPED AREAS SHALL BE MAINTAINED BY THE OWNER OF THE PROPERTY. PROPERTY OWNERS SHALL ALSO MAINTAIN LANDSCAPED AREAS WITHIN THE ADJACENT RIGHT-OF-WAY UNLESS AN APPROVED HOMEOWNERS ASSOCIATION ASSUMES THIS OBLIGATION. MAINTENANCE SHALL INCLUDE, BUT NOT BE LIMITED TO, IRRIGATING, MOWING, PRUNING, REMOVAL OF TRASH AND WEEDS AND REPLACEMENT OF ANY REQUIRED PLANTINGS THAT BECOME DISEASED, INFESTED OR OTHERWISE UNHEALTHY.

PROPOSED PLANT LIST

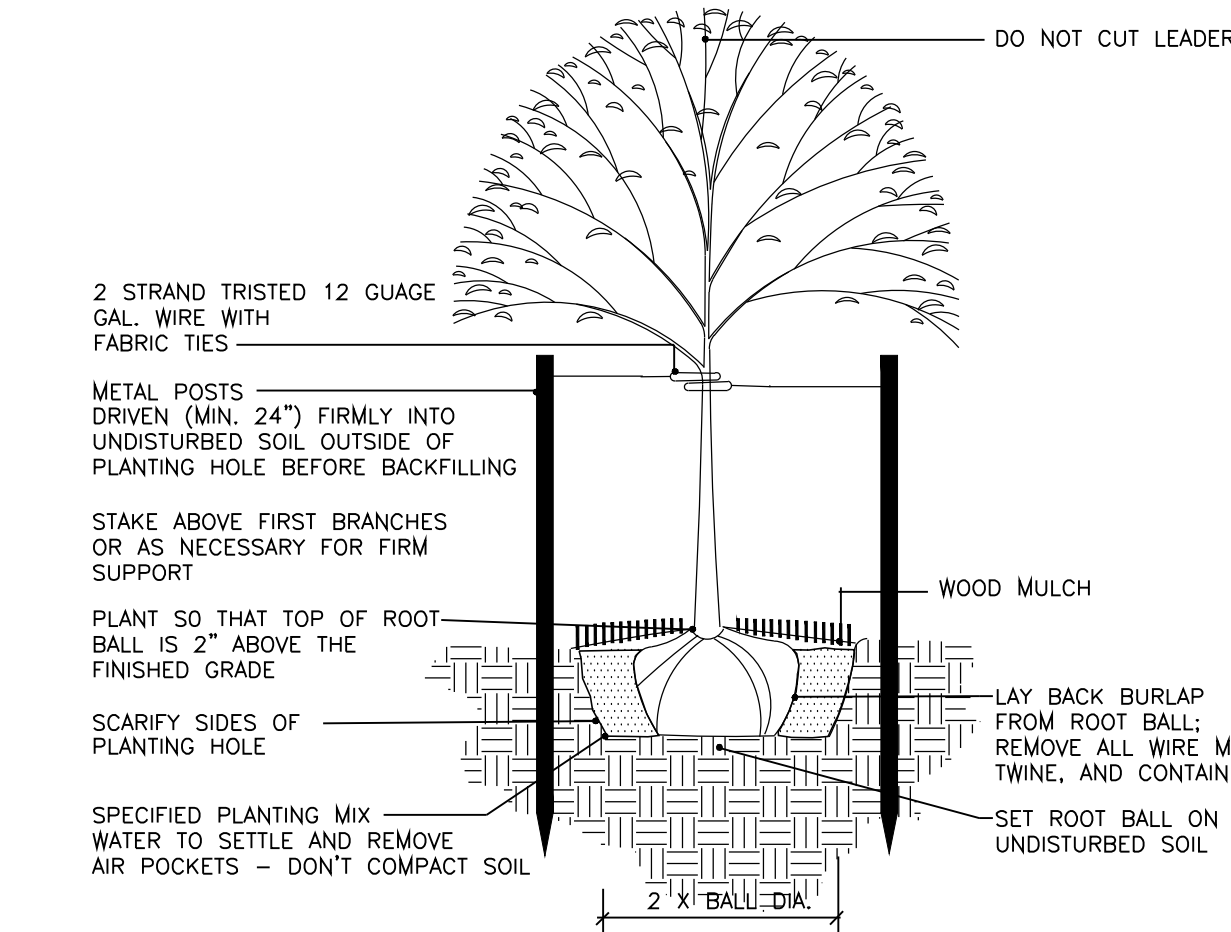
KEY	BOTANICAL NAME	COMMON NAME	SIZE	NOTES	QTY.
DECIDUOUS TREES					
GD	Gymnocladus dioica	Kentucky Coffeetree	2" cal.	B+B	3
CO	Celtis occidentalis	Western Hackberry	2" cal.	B+B	2
QM	Quercus macrocarpa	Bur Oak	2" cal.	B+B	2
TAR	Tilia cordata 'Greenspire'	Greenspire Linden	2" cal.	B+B	3
ORNAMENTAL TREES					
MSS	Malus 'Spring Snow'	Spring Snow Crabapple	1.5 cal.	B+B	3

PUBLIC WORKS LANDSCAPING NOTES

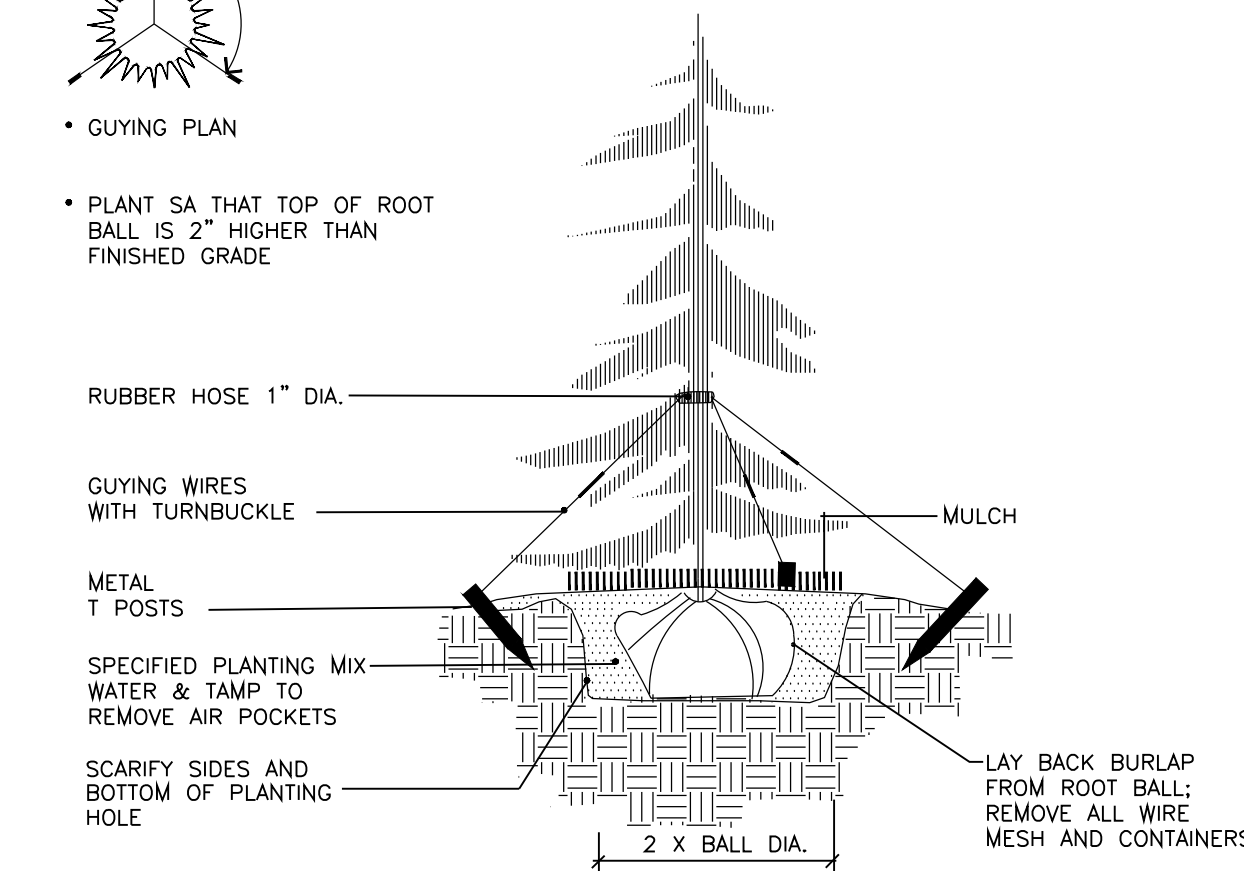
- ALL AREAS DISTURBED BY CONSTRUCTION ACTIVITIES THAT WILL REMAIN AS OUTLOTS, OPEN SPACE, DETENTION PONDS, FOREBAYS, OR TRAILS SHALL RECEIVE 4 INCHES OF TOP SOIL AND SHALL BE SEED. SOIL PREPARATION, FERTILIZER, COMPOST, SEEDING, AND MULCHING WILL BE REQUIRED.
- ALL PLANTINGS REQUIRED SHALL UTILIZE THE CITY OF EVANS PARKS AND RECREATION APPROVED LANDSCAPING PLANTING LIST.
- ALL SEEDING SHALL UTILIZE THE CITY OF EVANS IRRIGATION DESIGN GUIDELINES AND LAWN AND GRASS SPECIFICATIONS SECTION 02930.
- GRASS SEED SHALL BE PLANTED WITH A GRASS SEED DRILL (NOT A GRAIN DRILL) AT A DEPTH OF 1/2" TO 3/4". BROADCAST SEEDING OF GRASS SEED IS NOT ACCEPTABLE. STRAW MULCH SHALL BE SPREAD AND CRIMPED INTO THE SOIL AT A RATE OF 4,000 LBS/ACRE. HYDROSEEDING AND HYDROMULCHING IS ACCEPTABLE IN LEFT-OF-DRILL SEEDING AND CRIMPING OF MULCH STRAW, ONLY IN AREAS THAT ARE INACCESSIBLE TO LANDSCAPING EQUIPMENT, AND MUST BE APPROVED BY THE CITY OF EVANS PRIOR TO USE.
- ALL PLANTINGS REQUIRED BY THE PLANNING DIVISION APPROVED LANDSCAPING PLAN SHALL UTILIZE THE CITY OF EVANS PARKS AND RECREATION APPROVED LANDSCAPING PLANTING LIST.
- ALL SEEDING REQUIRED BY EITHER THE CITY OF EVANS ENGINEERING DIVISION, OR PLANNING DIVISION SHALL UTILIZE THE CITY OF EVANS PARKS AND RECREATION IRRIGATION DESIGN GUIDELINES.

PLANT LEGEND

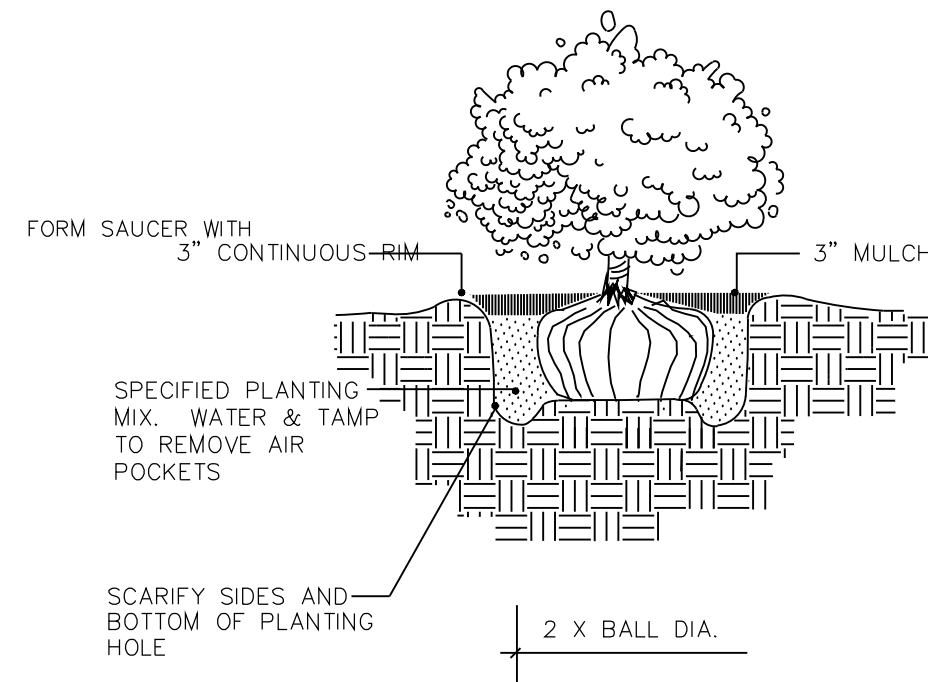
- DECIDUOUS TREE
- ORNAMENTAL TREE
- DECIDUOUS SHRUB
- EVERGREEN SHRUBS
- 2" - 4" RIVER ROCK MULCH



A TREE PLANTING - IRRIGATED AREAS  
NOT TO SCALE



B CONIFER TREE PLANTING - GUY WIRES  
NOT TO SCALE



C SHRUB PLANTING  
NOT TO SCALE



0 10 20 40  
SCALE: 1" = 20'



922 37TH STREET SITE PLAN REVIEW

LOTS 1 THROUGH 6 INCLUSIVE, LOTS 31 THROUGH 36 INCLUSIVE,  
AND VACATED ALLEY ADJOINING LOTS, ALL IN BLOCK 5, CITY  
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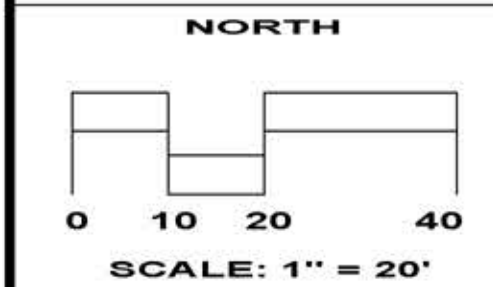


LANDSCAPE ARCHITECT

Planscapes  
880 Norway Maple Drive  
Loveland, Colorado  
970-988-5301

ENGINEER

Wernsman Engineering  
Eric Wernsman  
Evans, Colorado 80521  
(970)539-2656



BAKER  
SITE PLAN REVIEW

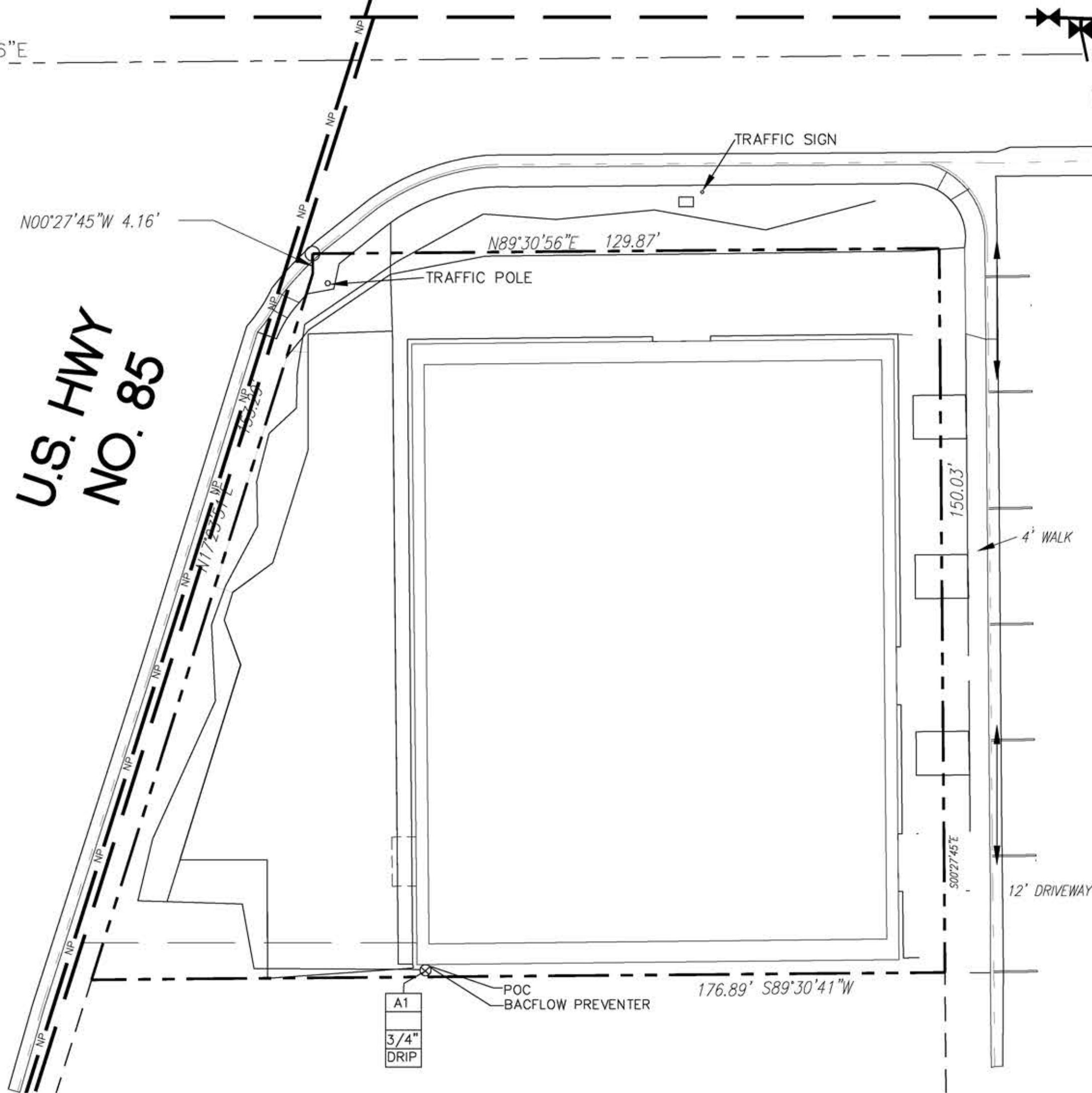
COLORADO  
EVANS

IRRIGATION PLAN

DATE 01/23/2021  
JOB NO.  
DRAWN RM  
CHECKED RM  
REVISED 06/10/2021

L2

37TH STREET (PLATTED AS NINETH STREET)

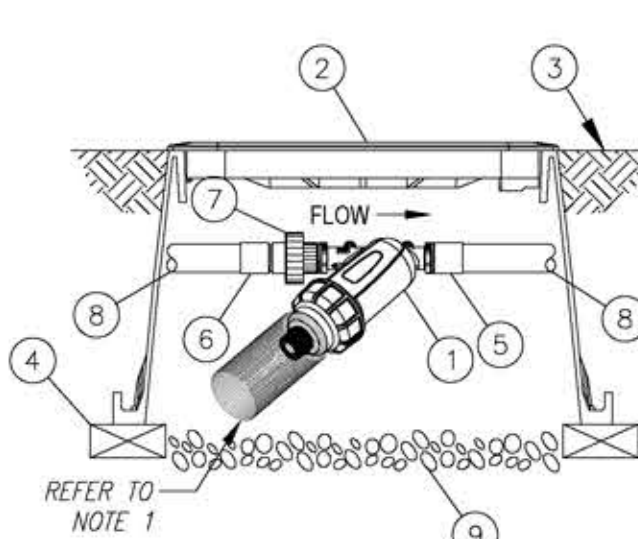


INSTALLATION GENERAL NOTES

- THE SYSTEM DESIGN ASSUMES A MINIMUM DYNAMIC PRESSURE FOR THE IRRIGATION SYSTEM OF 40 PSI AT A MAXIMUM DISCHARGE OF 50 GPM AT THE IRRIGATION POINT-OF-CONNECTION 1 (POC 1), AND A MINIMUM DYNAMIC PRESSURE OF 73 PSI AT A MAXIMUM DISCHARGE OF 88 GPM AT THE IRRIGATION POINT-OF-CONNECTION 2 (POC 2). VERIFY PRESSURE AND FLOW ON SITE PRIOR TO CONSTRUCTION.
- READ THOROUGHLY AND BECOME FAMILIAR WITH THE SPECIFICATIONS AND INSTALLATION DETAILS FOR THIS AND RELATED WORK PRIOR TO CONSTRUCTION.
- COORDINATE UTILITY LOCATES ("CALL BEFORE YOU DIG") OF UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION.
- DO NOT PROCEED WITH THE INSTALLATION OF THE IRRIGATION SYSTEM WHEN IT IS OBSERVED IN THE FIELD THAT OBSTRUCTIONS OR GRADE DIFFERENCES EXIST THAT WOULD NOT HAVE BEEN CONSIDERED IN THE DESIGNING. IF DISCREPANCIES IN CONSTRUCTION DETAILS, LEGEND, NOTES, OR SPECIFICATIONS ARE DISCOVERED, BRING ALL SUCH OBSTRUCTIONS OR DISCREPANCIES TO THE ATTENTION OF THE OWNER'S REPRESENTATIVE.
- THE DRAWINGS ARE DIAGNAMATIC; THEREFORE, THE FOLLOWING SHOULD BE NOTED:
  - ALTHOUGH IRRIGATION COMPONENTS MAY BE SHOWN OUTSIDE PLANTING AREAS FOR CLARITY, INSTALL IRRIGATION PIPE AND WIRING IN LANDSCAPED AREAS WHENEVER POSSIBLE.
  - TREE AND SHRUB LOCATIONS AS SHOWN ON LANDSCAPE PLANS TAKE PRECEDENCE OVER IRRIGATION EQUIPMENT LOCATIONS. AVOID CONFLICTS BETWEEN THE IRRIGATION SYSTEM, PLANTING MATERIALS, AND ARCHITECTURAL FEATURES.
  - USE ONLY STANDARD TEES AND ELBOW FITTINGS. USE OF TEE FITTINGS IN THE DRAINAGE CONFIGURATION, OR USE OF CROSS TYPE FITTINGS IS NOT ALLOWED.
- PROVIDE THE FOLLOWING COMPONENTS TO THE OWNER PRIOR TO THE COMPLETION OF THE PROJECT:
  - TWO (2) OPERATING KEYS FOR EACH TYPE OF MANUALLY OPERATED VALVES.
  - TWO (2) OF EACH SERVING WRENCH OR TOOL NEEDED FOR COMPLETE ACCESS, ADJUSTMENT, AND REPAIR OF ALL ROTARY SPRINKLERS.
- SELECT NOZZLES FOR SPRAY AND ROTARY SPRINKLERS WITH ARCS IN PROVIDE COMPLETE AND ADEQUATE COVERAGE WITH MINIMUM OVERSPR FOR THE SITE CONDITIONS. CAREFULLY ADJUST THE RADIUS OF THROWN AND ARC OF COVERAGE OF EACH ROTARY SPRINKLER TO PROVIDE THE BEST PERFORMANCE.
- THE IRRIGATION CONTRACTOR IS RESPONSIBLE FOR THE INSTALLATION OF IRRIGATION SLEEVING. SLEEVES ARE REQUIRED FOR BOTH SPRING AND ELECTRICAL WIRING AT EACH LANDSCAPE CROSSING. COORDINATE INSTALLATION OF SLEEVING WITH OTHER TRADES. ANY PIPE OR WIRE WHICH PASSES BENEATH EXISTING LANDSCAPE WHERE SLEEVING WAS NOT INSTALLED WILL REMOVE HORIZONTAL BORING BY THE IRRIGATION CONTRACTOR.
- INSTALL ALL ELECTRICAL POWER TO THE IRRIGATION CONTROL SYSTEM IN ACCORDANCE WITH THE NATIONAL ELECTRIC CODE AND ALL APPLICABLE LOCAL ELECTRICAL UTILITY CODES.
- THE FOLLOWING SHOULD BE NOTED REGARDING PIPE SIZING. IF A SECTION OF UNUSED PIPE IS LOCATED BETWEEN THE IDENTICALLY SIZED SECTIONS, THE UNUSED PIPE IS TO HAVE NOMINAL SIZE AS THE TWO SIZED SECTIONS. THE UNUSED PIPE SHOULD NOT BE CONFUSED WITH THE DEFAULT PIPE SIZE NOTED IN THE LEGEND.
- INSTALL TWO (2) .814 AVG CONTROL WIRES FROM CONTROLLER LOCATION TO EACH HEAD-END OF MAINLINE FROM USE AS SHOWN INCHARGE OF CONTROL WIRE FAILURE. LOCK 3 FEET OF WIRE IN VALVE BOX.
- Automatic irrigation system shall be equipped with an automatic rain detection device. [Chapter 18.44.100.3.b]

IRRIGATION LEGEND

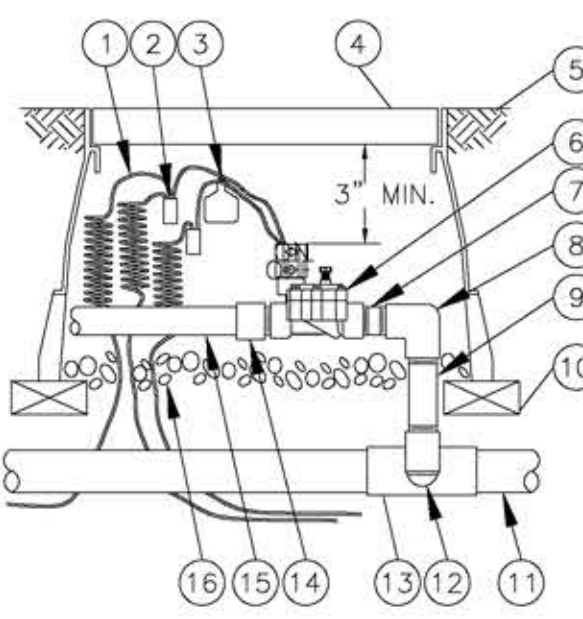
- REMOTE CONTROL VALVE ASSEMBLY FOR SPRINKLER LATERALS RAINBIRD PEB (SIZED PER PLAN)
- REMOTE CONTROL DRIP VALVE ASSEMBLY: RAINBIRD XCZ-PRB-100-COM
- FLUSH CAP ASSEMBLY
- INDICATES CONTROLLER AND STATION NUMBER
- INDICATES LATERAL DISCHARGE (GPM)
- INDICATES VALVE SIZE (INCHES)
- INDICATES LANDSCAPE APPLICATION
- LATERAL PIPE TO EMITTERS: UV RADIATION RESISTANT POLYETHYLENE (3/4-INCH SIZE, ROUTING IS DIAGNAMATIC)



A DRIPLINE FILTER AND PRESSURE REDUCER

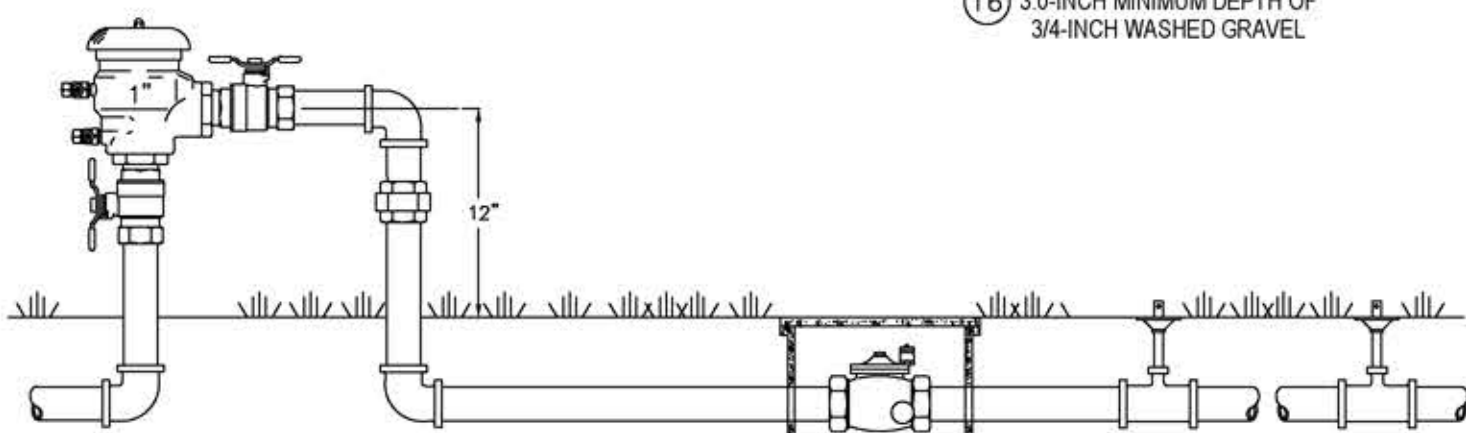
- BUBBLER ON 1/4" TUBING STAKE: RAIN BIRD XER-BUBBLER SPIKE
- 1/4" DISTRIBUTION TUBING: RAIN BIRD XO TUBING (LENGTH AS REQUIRED)
- 1/4" BARB CONNECTOR INCLUDED ON XER-BUBBLER SPIKE
- 1/2" POLYETHYLENE TUBING: RAIN BIRD XT SERIES TUBING OR RAIN BIRD XT-700 XER-TUBE OR RAIN BIRD XES BLACK STRIPE TUBING
- TOP OF MULCH
- FINISH GRADE

B DRIP EMITTER



C REMOTE CONTROL VALVE

- 30-INCH LINEAR LENGTH OF WIRE, COILED
- WATERPROOF CONNECTION: RAIN BIRD SPLICE-1 (1 OF 2)
- ID TAG: RAIN BIRD VID SERIES
- VALVE BOX WITH COVER: RAIN BIRD VB-STD
- FINISH GRADE/TOP OF MULCH
- REMOTE CONTROL VALVE: RAIN BIRD 100-DV
- PVC SCH 80 NIPPLE (CLOSE)
- PVC SCH 40 ELL
- PVC SCH 80 NIPPLE (LENGTH AS REQUIRED)
- BRICK (1 OF 4)
- PVC MAINLINE PIPE
- SCH 80 NIPPLE (2-INCH LENGTH HIDDEN) AND SCH 40 ELL
- PVC SCH 40 TEE OR ELL
- PVC SCH 40 MALE ADAPTER
- PVC LATERAL PIPE
- 3.0-INCH MINIMUM DEPTH OF 3/4-INCH WASHED GRAVEL



FEBCO MODEL 765  
Pressure Vacuum Breaker  
Outside Installation

ALL WORK SHALL BE CONSTRUCTED TO THE CITY OF EVANS STANDARDS AND SPECIFICATIONS

APPROVED \_\_\_\_\_ DATE \_\_\_\_\_  
DIRECTOR OF PUBLIC WORKS



**CITY OF EVANS, COLORADO**

**RESOLUTION NO. 09-2021**

**A RESOLUTION APPROVING A SPECIAL USE PERMIT  
WITH DEVELOPMENT STANDARDS FOR PROPERTY REFERRED TO  
GENERALLY AS 922 37<sup>th</sup> STREET**

**WHEREAS**, the City Council of the City of Evans, Colorado, (the "City Council") pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado (the "City"); and

**WHEREAS**, Dan's Garage & Sons, LLC ("the Property Owner" and "Applicant") a Colorado Limited Liability Company, is the owner of certain property located within the City of Evans and more specifically described on Exhibit A, attached (the "Property"); and

**WHEREAS**, the Property is currently zoned 85-RC-N; and

**WHEREAS**, the Applicant has filed an application with the City asking, in part for approval of a Special Use Permit for the Property for Motor Vehicle Sales, an Office and Outside Storage; and

**WHEREAS**, the Applicant will provide a Site Improvements Agreement for review by City Council for consideration; and

**WHEREAS**, staff has reviewed the Application and deemed it to be complete in accordance with Section 18.06.060.F; and

**WHEREAS**, the matter has been submitted to the required referral agencies for comment and staff has determined that the Applicant has adequately addressed all concerns raised by the referral agencies; and

**WHEREAS**, the Applicant and Staff have notified adjacent landowners and homeowners associations concerning the Application, provided notice in *The Greeley Tribune*, and have posted the property with a sign; and

**WHEREAS**, the criteria that are to be considered by the Planning Commission and the City Council in determining whether to approve the Special Use Permit for Motor Vehicle Sales, an Office and Outdoor Storage an application for a Repair Shop in the C-1 Commercial Zone District are set forth in Section 18.06.060.F. of the Evans City Code. Those criteria are included below:

The Criteria for Evaluation of a Special Use Permit Site Plan can be found in Section 18.060.060.F.5. The Criteria is found below:

a. *The proposed use is found to be unlikely to harm the health, safety or welfare of the City or its residents.*

Findings: Referral agency review, Staff review and public notice have not uncovered potential for this use to harm the health, safety and welfare of the City or its residents. The application is

proposing renovation of an existing facility and bringing the exterior into compliance with the site design and landscaping requirements.

*b. The proposed use would benefit the City in terms of employment, tax revenue or other similar effects, as compared to the absence of the proposed use. The proposed use will not cause an undue burden on the City to serve.*

Findings: The renovation of an existing building on a prominent corner at 37th Street and US Highway 85 is a benefit to the City. The proposed use as a collector car show room and potential sales floor will benefit the City of Evans. In addition, the applicant is open to discussing community events and engaging with the City. The City Building Official has met on site to ensure the renovations were made to support the intended use.

*c. The proposed use shall be consistent with the Comprehensive Plan, Development Standards, the Master Drainage Plan, and any plan in effect at the time of application and shall be compatible with the surrounding area.*

Findings: The renovation of an existing building along with the additional site improvements of landscaping, removal of a non-conforming sign and removal of non-conforming fence will be made in adherence to the US-85 Overlay District, the Master Plan and the Master Drainage Plan. Minimal exterior changes are planned with the exception of drainage and landscaping improvements discussed in the Conditions of Approval and Development Standards.

*d. The location, size, design and operating characteristics of the proposed use shall be compatible with the existing and proposed future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity. Reasonable conditions may be placed on uses by special review to protect the public health, safety and welfare by mitigating impacts. AND*

*e. The site shall be physically suitable for the type and intensity of the proposed land use.*

Findings: The previous use of the property as a flea market generated more traffic than what the applicant projects for this use. The building has been renovated, inspected for uses proposed, and the resulting site improvements will enhance the business neighborhood.

*f. The proposed land use shall not adversely affect traffic flow and parking in the neighborhood.*

Findings: The previous use of the property as a flea market generated more traffic than what the applicant projects for this use. The applicant projects a limited number of vehicle trips to the facility each day.

*g. The location of other approved special uses in the neighborhood shall be determined, in order to avoid an over-concentration of such uses.*

Findings: The proposed use does not contribute to an over-concentration of such uses.

*h. Special Use Permits within approved planned unit developments.*

*i. Mini-storage units shall also comply with the following standards.*

*j. Car wash facilities shall also comply with the following standards.*

*k. Oil and gas facilities.*

*l. Telecommunications facilities. Telecommunications facilities shall only be installed, erected and/or constructed in accordance with Section 18.06.070, Telecommunications.*

Findings: Not applicable

*m. Outdoor Storage shall comply with the following standards.*

Findings: The proposed outdoor storage shall comply with the US-85 Overlay Standards for Outdoor Storage found in Section 18.04.080D of the Municipal Code.

**WHEREAS**, following proper notice, the Planning Commission considered the Application at its regular meeting on May 25, 2021; and

**WHEREAS**, based on the Application, referral comments, staff report, representations by the Applicant, and public comment, the Planning Commission considered the criteria set forth above and recommended approval of the Application subject to Development Standards listed below; and

**WHEREAS**, following proper notice, the City Council considered the Application at its regular meeting on June 15, 2020; and

**WHEREAS**, based on the Application, referral comments, staff report, representations by the Applicant, public comment, and the recommendation of the Planning Commission, the City Council has considered the criteria set forth above and concludes that the criteria have been satisfied, as indicated, provided that the conditions set forth below are satisfied, as indicated.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO, AS FOLLOWS:**

1. The Special Use Permit is hereby approved.
2. The applicant shall submit one electronic copy of the plat and supporting documents for preliminary approval to the City of Evans Planning Department. Upon approval of the plat and the Site Improvements Agreement, the applicant shall submit an electronic file to the City Community Development Department for recording with the Weld County Clerk and Recorder within thirty (30) days of City Council action.
3. The applicant shall enter into a Site Improvements Agreement with the City.
4. The Development Standards found on the Special Use Permit shall be adhered to.
5. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
6. Repeal. Existing resolutions or parts of resolutions covering the same matters embraced in this resolution are hereby repealed and all resolutions or parts of resolutions inconsistent with the provisions of this resolution are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any resolution hereby repealed prior to the effective date of this resolution.



**PASSED AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF EVANS ON THIS 15<sup>th</sup> DAY OF JUNE, 2021.**

ATTEST:

CITY OF EVANS, COLORADO

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Julie Kamka, City Clerk

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Brian Rudy, Mayor

**EXHIBIT A: LEGAL DESCRIPTION**

EVS 13318-C L1 THRU L6 & L31 THRU L36 BLK5 INC 20' WIDE VAC ALLEY ADJ TO EXC HWY

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# CITY COUNCIL AGENDA REPORT

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**DATE:** May 25, 2021

**SUBJECT:** Public Hearing to consider repeal and replacement of Chapter 18.09 of the Municipal Code, the Sign Code

**PRESENTED BY:** Anne Best Johnson, Community Development Director

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## ITEM DESCRIPTION:

An update to the Sign Code in Chapter 18.09 of the Municipal Code is needed in order to clarify and refine it for use by applicants and staff members. Sign Codes can be difficult to use and there are many different definitions, interpretations, and technology changes to be reflected in a nimble Code.

The City of Evans' Sign Code draft refines the Code to address the following:

- Type of sign vs. the message conveyed
- Develop a Purpose and Intent Section
- Content-neutral sign types
- Provide signs exempt from permit
- Off-premise signs
- Temporary signs

Planning Commission and City Council have held numerous Work Sessions in the past 9 months regarding the Sign Code including Planning Commission Work Sessions on September 22, 2020 and February 12, 2021. The City Council Work Session occurred on October 5, 2020. A draft copy was provide to local sign construction and fabrication companies and to local businesses for comment. To date, two comments have been received and incorporated into the draft presented to Planning Commission at the February 12, 2021 Work Session.

The City retained the services of Gould Evans to prepare the attached Sign Code. City Staff, Gould Evans and the City's Attorney have reviewed the attached draft and are in agreement with the content.

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## FINANCIAL SUMMARY:

There is no financial implication to the proposed Code language change. There is a potential positive financial implication when the City has a Land Use Code that is clear and easy for both the applicant, companies designing and constructing signs, and staff to follow.

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## RECOMMENDATION:

Staff is recommending that Planning Commission forward their approval of the Sign Code as presented.

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**SUGGESTED MOTIONS:**

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*“I move to recommend approval of the Evans Sign Code as presented and to forward a recommendation of approval to the City Council.”*

*“I move to deny the Evans Sign Code as presented.”*

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**ATTACHMENTS:**

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Attachment 1: Cover Summary

Attachment 2: Proposed Sign Code

Attachment 3: Public Notice

## Drafting Notes

These notes accompany the update to the updates to the Evans sign standards. Since the ordinance was reorganized and some sections were significantly restructured, a “track changes” version was not effective or helpful. The overall objective was to revise the standards to comply with recent cases on content neutrality of sign standards, and to address some interpretation issues or simplify some approaches to signs. As few substantive changes as possible were made, unless the supported the overall objectives or to correct known problems with the previous code.

The section map below tracks the sections of this draft with sections of the current code, in the even that reviewers want to do a more in-depth comparison.

<b>Section Map</b>		
<i>This Draft</i>	<i>Current Regulations</i>	<i>Notes</i>
18.09.010 Intent	18.09.010	Minor wording changes to aid interpretation of other sections and emphasize specific intent.
18.09.020 Applicability	18.09.070; 18.09.085	Reorganized to clarify applicability for certain types of signs
18.09.030 Definitions & Interpretation	18.02.020	Minor changes to support update – terms no longer used eliminated, some new terms defined.
18.09.040 Exempt Signs	18.09.085; 19.09.110	Reorganized to clarify applicability; content-based regulations and sign types eliminated and generalized to content-neutral categories. (Note: as an “exemption” from the standards, more leniency to some content determinations is less problematic)
18.09.050 Residential Signs	18.09.060; 18.09.100	Consolidated all content-based signs into 4 basic sign types; relocated all substantive standards for basic sign allowances.
18.09.060 Non-residential Signs	18.09.080; 18.09.090; 18.09.100	Consolidated all content-based signs into 4 basic sign types.
18.09.070 General Standards – All Signs	18.09.050; 18.09.140; other various sections	Reorganized basic performance standards, prohibitions, and maintenance and design standards in one section. Certain provisions that were repeated multiple times for different signs were moved here and stated once to be generally applicable.
18.09.080 Specific Sign Standards	various sections	Any standards for a specific sign type that were beyond the basic number, size and location allowances in 18.09/050 and 18.09.060 were moved here.
18.09.090 Comprehensive Sign Plan	n/a	New section to allow for larger scale project some deviations from standards – either more leniency, more restrictions or higher design standards – based on a broader design plan
18.09.100 Design Guidelines	various sections	New section – intended to capture some of the more subjective aesthetic or quality provisions in the code that are difficult to interpret and enforce, but state them more clearly and specifically to the desired design outcome.
18.09.110 Design and Construction	18.09.120	No changes to current section
18.09.120 Violation	18.09.150	Replaced based on recent update to comparable section of Municipal Code

## Summary of Key Changes

- Temporary signs were generalized to remove content-specific signs (i.e. election sign, garage sale sign, coming soon sign, etc.). A basic allowance is set, with some different thresholds based on context and lot frontage. It is set to allow the coincidence of multiple events that may warrant a temporary sign, but to allow enforcement of anyone abusing the intent or placing an unusual amount of temporary signs for an extended period.
- Many different sign types in the current code were creating some interpretation issues or potential conflicts (a sign could be considered as one or more different types that were subject to different standards. These were simplified into four basic types for all sites – wall sign, freestanding sign, temporary sign, and pedestrian sign. The pedestrian sign is where most of the different types of



signs are consolidated. Essentially this category sets a basic threshold for a variety of different types of smaller scale signs that are common on a site, but allows applicants to allocate that allowance to different specific applications.

- All of the dimension standards and sign allowances are the same or comparable to existing sign allowances; any differences came from either refining numbers due to consolidating types mentioned above, or to clarify a conflict or interpretation issue.
- A comprehensive sign plan option was added for larger scale projects, where deviations could be incorporated into an overall development plan, and evaluated and approved in association with that land use or development decision.
- A “design guideline” section was added. Many of the aesthetic or quality standards in the current code, which are difficult to interpret and enforce, and incorporated into this section. The topics in this section are also things that may warrant more flexibility or site-specific review and applicability. Therefore, projects that are a significant departure from these standards could be elevated by the Director to a Planning Commission or City Council review, and/or they can be used to guide any discretion or flexibility in the standards when it is associated with another land use decision or a comprehensive sign plan.

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## Chapter 18.09. Signs

18.09.010	Intent
18.09.020	Applicability
18.09.030	Definitions & Interpretation
18.09.040	Exempt Signs
18.09.050	Residential Signs
18.09.060	Non-residential Signs
18.09.070	General Standards – All Signs
18.09.080	Specific Sign Standards
18.09.090	Comprehensive Sign Plan
18.09.100	Design Guidelines
18.09.110	Design and Construction
18.09.120	Violation

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### 18.09.010 Intent

The intent of the sign standards is to:

- A. Create an attractive aesthetic environment in the City.
- B. Enhance the quality and civic design of the community through the visual priority of buildings, streetscapes, open spaces, landscapes, and other investments in the public realm.
- C. Ensure that signs preserve and contribute to the unique character of distinct places and districts.
- D. Promote safety of pedestrians, motorists or other users of the public rights-of-way with proper location, construction, design, operation and maintenance of signs.
- E. Improve economic viability by assuring that the City is a visually pleasant place to visit, conduct business, and live.
- F. Provide effective identification and communication for businesses, institutions, and other community destinations without excessive competition for visual attention.
- G. Protect property values and investments by minimizing adverse effects of signs on adjacent property, such as obstructing views and access, glare, or visual clutter and blight.
- H. Ensure that the constitutionally guaranteed right of free speech is protected through appropriate standards for signs as a way of public communication.

### 18.09.020 Applicability

- A. **General Applicability.** The standards in this Chapter shall apply to all signs except:
  - 1. Legal non-conforming signs, subject to the provisions in 18.05.040.
  - 2. Signs exempt from standards, as specified in 18.09.040.
- B. **Interpretation.** Whenever two or more provisions of this Chapter cover the same subject matter, whichever is the most restrictive or imposes the higher standard or requirements shall govern.
- C. **Permit Required.** A permit shall be required for all signs to ensure compliance with these sign standards except as provided in parts 1, 2 and 3 below. A permit application shall include plans and specifications demonstrating compliance with all applicable standards of the Land Development Code, Title 18. The property owner or the owner's authorized agent shall be required to sign the permit application. Specific sign types may require additional permits demonstrating compliance with other codes such as building codes or electrical codes to be determined by the Building Department. The sign permit application shall be reviewed and

approved by the Community Development Director or their designee. The following activities do not require a sign permit:

1. Signs exempt from a sign permit, as specified in 18.09.040.
2. Ordinary maintenance, care or repair of existing signs meeting these standards without altering the size, materials, location or other essential design characteristics or construction elements of the sign.
3. The change of copy or content, change of sign panels, or similar changes to an existing sign that conforms to these standards, provided there is no change in the size, materials, sign structure, or other essential design characteristics of the sign.

### **18.09.030 Definitions & Interpretation**

- A. **Definitions.** The following terms shall have the specific meaning given below for interpreting this Chapter:

*Accessory wall sign:* A sign that has less importance and prominence than the main sign on the wall in size, location, and design emphasis.

*Address sign:* A permanent sign that gives the address or name of a building or residence, used for general reference or emergency purposes.

*Building name plate sign:* A permanent sign, tablet, cornerstone or plaque memorializing a person, event, structure or landmark, or otherwise emphasizing the permanence or importance of the building or site.

*Changeable copy sign:* A sign or portion of a sign that can be easily changed manually or electronically for the purpose of displaying frequently changing information incidental to the property use or activity.

*Comprehensive sign plan:* A graphic representation, including plans and elevations, showing all signage proposed for a multi-tenant building, multi-tenant center or subdivision.

*Construction sign:* A temporary sign associated with commercial or non-residential construction projects under a valid building permit.

*Dilapidated sign:* Any sign, sign structure, or associated grounds with broken, cracked or discolored display panels, broken, bent, corroded or discolored support structure or frame, torn or discolored material or that is otherwise unreadable under normal viewing circumstances; any sign or portion thereof that exhibits visually obvious conditions of poor maintenance; faded, broken or missing panels or general deterioration; any sign or portion thereof that has been damaged by fire, earthquake, wind, flood or any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such cause.

*Flag:* A piece of cloth of distinctive color and design, used as a symbol, standard, signal or emblem, representative of an organization, government, institution or principle.

*Foot-candle:* A measure of illuminance, or amount of light projecting to a point at a distance from the light source, that is lumens per square foot.

*Foot-lambert:* A measure of luminance, or the brightness at the object creating a light source, that is candles per square foot.

***Freestanding sign:*** A permanent, self-supporting sign attached to the ground, rather than to a structure, by means of one (1) or more columns, uprights, poles or braces in or upon the ground.

***Frontage, building*** The face of the building providing main vehicular and/or pedestrian access and/or the primary orientation of the building.

***Frontage, street:*** The portion of a lot adjacent to the right-of-way, excluding alley frontage.

***Gateway Sign:*** A sign signifying an important entry or transition into a distinct area or otherwise identifying a significant destination in the community.

***Illumination:*** A method of lighting signs at night or in other low-light conditions, which may be internal – where the light source is in the sign makes a translucent portion of the sign visible; external – where light source is outside of the sign and directed to the sign face; or direct – where the light source is a part of the sign.

***Incidental sign:*** A permanent, on-site sign associated with the operation and use of the property and necessary or convenient for visitors, clients or customers entering a site.

***Monument sign:*** An on-site sign attached to the ground by a structure with a wide base integral with the sign structure or otherwise attached to structures integrated into the landscape design.

***Multi-tenant sign:*** A permanent, freestanding sign displaying the name of each occupant in a multi-tenant building or multi-tenant center.

***Pedestrian Sign:*** A sign with a design and scale to be legible to pedestrians in front of or immediately adjacent to the building, sidewalk or other areas of the site where people on will be active. A pedestrian sign may be a freestanding (mounted on a support structure on the ground) wall sign (mounted on a wall, projecting from a wall, hanging from a canopy or mounted on an awning) or a window sign, (mounted in and visible from a window or door opening).

***Permanent sign:*** A sign attached to a permanent structure or the ground and made of durable materials and intended to exist for the duration of the time that the business, product, service, event or activity is located on the lot.

***Pole sign:*** a self-supporting, permanent sign mounted on one (1) or more freestanding poles, columns or similar support.

***Sign:*** Any device, display, figure, painting, drawing, message, placard, poster, billboard, structure or any other contrivance designed, intended or used to attract attention, convey a message, advertise or to give information in the nature of advertising, including all necessary supports, brackets, framework, structural components and similar equipment whether or not actual graphics are attached or in place, and that is visible from the travel way of any public right-of-way.

***Sign face:*** the surface area upon which a message is displayed, including any perimeter frame used to support such surface area, but not including the support structure or base of a freestanding sign.

***Temporary sign:*** A sign that is intended to be displayed for a limited period of time, a sign that is mobile and easily placed and removed, or a sign that is made out of materials that will not endure elements of weather or other ambient conditions, or any combination of these factors.

**Wall:** The exterior face of any building, including but not limited to mansards, parapets, doors and similar architectural features, excluding windows, that are nearly perpendicular to the surrounding grade, or at seventy-five-degree to one hundred ten-degree angles as measured from the surrounding grade, that have the capability of being seen from public right-of-way.

**Wall area:** The portion of a vertical plane of a building owned or leased by a business, including any windows or gables, but not including any roof area.

**Wall sign:** A sign with its backing affixed flush to an exterior wall of a building or mounted any accessory element of a building such as an awning or canopy.

**Window sign:** A sign posted, painted, placed or affixed to the interior or within three (3) feet inside of an exterior window.

B. **Sign Measurements.** The following shall be used in interpreting dimensional standards for signs:

1. **General Area Calculation.** All applicants for a sign permit shall provide the surface area of the sign in square feet on the permit, providing methods and measurements for the calculation. Signs mounted on or displayed as a standard geometrical shape shall be measured by the standard mathematical formula for that shape. Signs mounted on or displayed as an irregular shape shall be measured by the smallest area of up to two standard geometrical shapes that can encompass the entire sign mounting.
2. **Freestanding Signs.** The area of the sign shall be computed by the entire area of the face of the structure, cabinet or module enclosed by the border of the frame.
3. **Wall, Window or Other Building-mounted signs.** Any building mounted sign mounted on a background shall be measured by the area of the background. If mounted directly on the wall, the area shall be computed by means of the smallest single and continuous perimeter of up to two standard geometric shapes that enclose the outer limits of the writing, emblem or other display. Gaps in writing, emblems or other display which are greater than two times the height of the sign area, when using the same single continuous perimeter above, may be subtracted from the calculation of the sign area but shall be interpreted as two signs. The area of the wall or window area for the purposes of determining an allowed percentage shall be the total surface of the wall or window visible in an elevation view.
4. **Decorative Elements.** Embellishments such as pole covers, framing, decorative roofing and support structures shall not be included in the area of the measurement if they contain no writing, emblem or other display.
5. **Double-faced Signs.** Where the sign faces of a double-faced sign are no more than three feet apart at any location, only one face will be measured in computing sign area. If the two faces of a double-faced sign are of unequal area, the area of the sign will be the area of the larger face. In all other cases, the areas of all faces of a multi-faced sign or the surface area of objects will be added together to compute the area of the sign.
6. **Height.** Sign height is measured from the existing lowest grade directly below the sign to the highest point on the sign or sign structure.
7. **Clearance.** Sign clearance is measured from the highest point of the ground directly below the sign to the lowest point on the sign structure enclosing the sign face.

### 18.09.040 Exemptions

The following signs are exempt from the sign permit process provided the sign meets all other applicable requirements of this Chapter. Unless specifically noted, exempt signs do not count towards the sign allowance specified for applicable the zoning district.



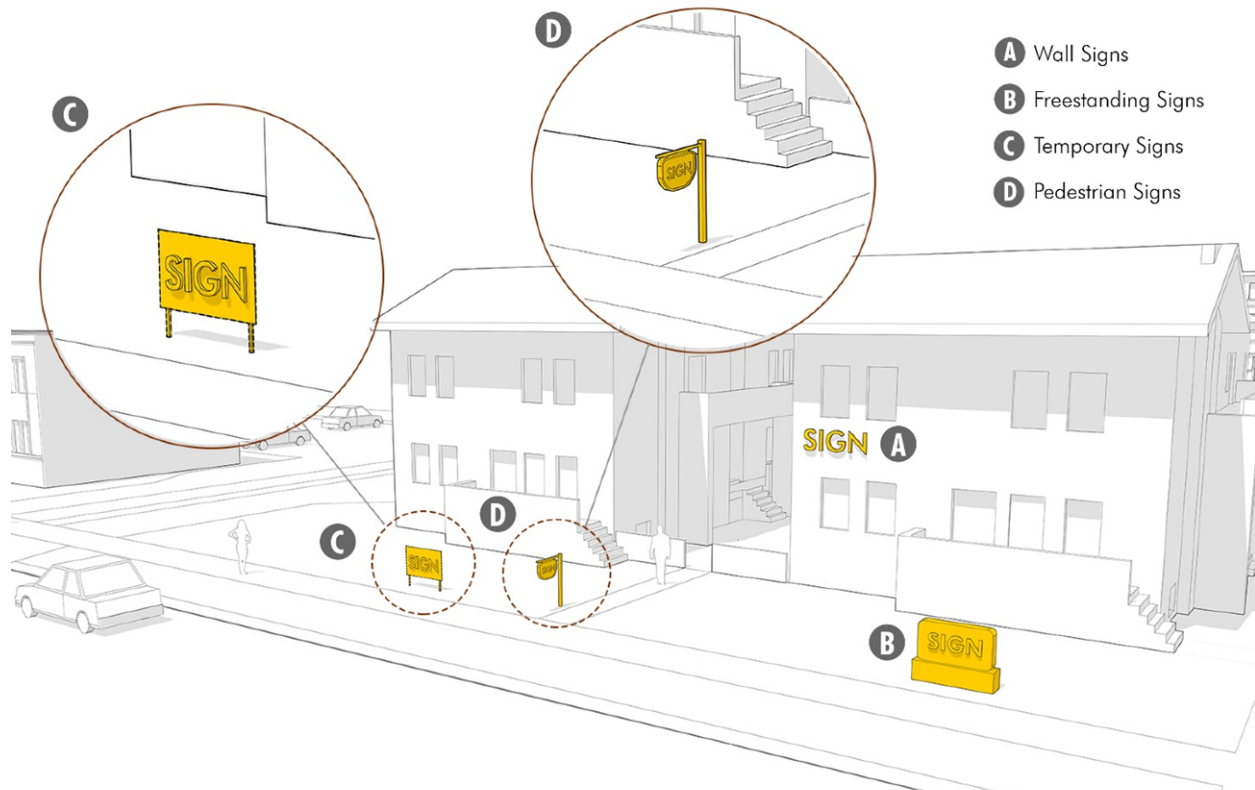
- A. **Property Identification Signs.** Signs clearly indicating the property address or building identification are encouraged to enhance the ability of public safety, emergency services personnel, and the general public to locate the property. Property identification signs shall be visible from the right-of-way and are subject to the following limitations:
1. **Address Signs.** Two per address up to 2 square feet each, only one of which may be ground mounted. Address signs on buildings shall be between 4 feet and 12 feet high. Ground-mounted address signs shall be no more than 36 inches high.
  2. **Building Name Plate.** Each building or site may have one name plate sign per street front, up to 9 square feet. Building name plate signs shall be associated with the permanence or significance of the building or site, rather than a particular tenant, and include designs such as engraved stone, bronze plates or similar ornamental detail integrated with the architecture of the building or landscape of the site.
- B. **Public Safety, Traffic Control or Public Information.** Signs designed and located to control traffic movement and safety of vehicles and pedestrians according to uniform traffic control device standards, signs required by the City's Building or Fire Code, or signs otherwise required to support any official action or legal obligation of a federal, state or local government, may be designed and located to meet the public purposes or requirements of other codes.
- C. **Flags.** Up to three non-commercial flags may be permitted per lot. Flags shall be mounted to the building and below the building height or mounted on a permanent pole subject to the building height limit of the zoning district and setback from the property line a distance equal to the actual height of the flag pole. Total flag area per property shall not exceed 80 square feet and no more than 40 square feet per flag for property zoned residential, and shall not exceed 200 square feet or 100 square feet per flag for property zoned non-residential.
- D. **Window Signs.** Signs may be mounted to the interior of any first floor windows in non-residential districts, provided signs shall not exceed more than 25 percent of the area of all first floor windows, measured between 2 feet and 10 feet above the first floor elevation, and provided at least 50 percent of the window the sign is mounted on remains clear of any visual obstructions including the sign area.
- E. **Temporary Signs.** Temporary signs are exempt from the sign permit process, provided they are within the allowances specified for the zoning district in standards in 18.09.050 and 18.09.060.
- F. **Incidental Signs.** Incidental signs for non-residential uses or multi-family complexes, which are intended to convey messages to guests, patrons, or other users of the lot, such as parking instructions, internal directions, building names or unit numbers, security warnings, or other similar minor signs that are accessory, are limited to:
1. No more than 10 square feet total sign allowance per lot, or 30 square feet per acre, whichever is greater.
  2. No single sign may be more than 3 square feet, or 9 square feet for lots more than 1 acre.
  3. Signs shall be no more than 6 feet high if ground mounted or 12 feet high if mounted on a building;
  4. Signs shall be setback at least 10 feet from all property lines; and
  5. Grouping or arranging accessory signs to have the effect of a larger permitted sign or to convey messages and increase visibility to the general public (as opposed to guests,

patrons or other users of the site) makes all signs in the grouping ineligible for this exemption.

- G. **Construction Signs.** Signs associated with a temporary non-residential or multi-family construction project under a valid permit such as approval for either a land use permit or a grading permit for example, are limited to:
1. Up to 80 square feet total sign allowance per public street frontage;
  2. No more than 3 signs per street frontage;
  3. Signs shall be mounted on a trailer, building or fence, or if mounted on the ground it shall be limited to no more than 10 feet high; and
  4. The signs shall only be posted for the duration of a valid permit associated with the project.
- Construction signs for single-family and two-family structures in the residential zoning districts are required to meet the applicable temporary sign standards for those districts.
- H. **Interior Signs.** Any sign that is not visible from the right-of-way, from any point along the perimeter of the property or from adjacent property, or from publicly accessible common spaces intended to serve as an extension of public-streets and open spaces. Interior signs are exempt from permits and the standards of this Chapter, other than those applicable by building and fire codes or construction standards.

### 18.09.050 Residential Signs

A. *Sign Types.*



**B. Sign Allowances**

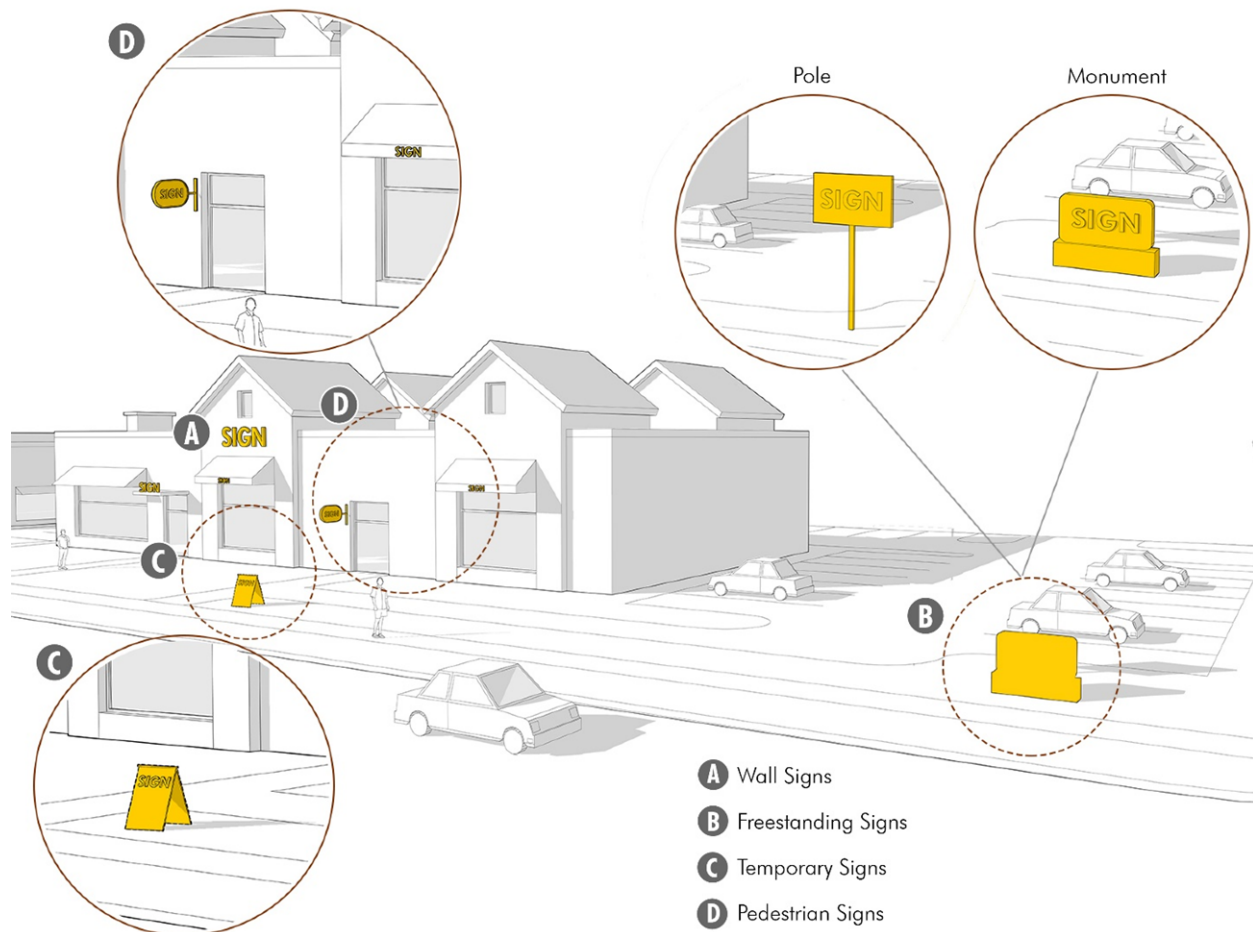
The following signs are permitted in the residential zoning districts (AG, R1E, R1, R2, R3, R, MFH, and RMH), and for any residential building or use, as permitted in a non-residential district. All Planned Unit Developments containing a residential component will also follow these standards.

**Table 18.09-1: Residential District Sign Allowances**

<b>Wall Signs</b>	<p>Permitted principal non-residential or multi-family uses (i.e. school, church, community center, apartments):</p> <ul style="list-style-type: none"> <li>▪ <i>Total Allowance:</i> 5% of facade</li> <li>▪ <i>Size:</i> maximum of 50 square feet per sign</li> <li>▪ <i>Quantity:</i> 2 per building, but no more than 1 per wall</li> </ul>
<b>Freestanding Signs</b>	<p>Permitted principal non-residential or multi-family uses (i.e. school, church, community center, apartments):</p> <ul style="list-style-type: none"> <li>▪ <i>Size:</i> maximum 32 square feet</li> <li>▪ <i>Quantity:</i> 1 per street frontage over 100' of frontage</li> <li>▪ <i>Setback:</i> 10' from flow line, and on private property, whichever is greater</li> <li>▪ <i>Height:</i> 6' high maximum</li> </ul> <p>Residential property may be permitted a Gateway Sign as provided in 18.09.080.F.</p>
<b>Temporary Signs</b>	<ul style="list-style-type: none"> <li>▪ <i>Total Allowance:</i> <ul style="list-style-type: none"> <li>○ Lots with less than 100' of street frontage - 24 square feet.</li> <li>○ Lots with 100' of street frontage or more - , 0.15 square feet for every 1' of street frontage, up to a maximum of 48 square feet per lot.</li> </ul> </li> <li>▪ <i>Size per sign:</i> <ul style="list-style-type: none"> <li>○ Lots with less than 100' of street frontage – 9 square feet maximum.</li> <li>○ Lots with 100' to 200' of street frontage – 16 square feet maximum.</li> <li>○ Lots with over 200' of street frontage – 24 square feet maximum.</li> </ul> </li> <li>▪ <i>Height:</i> <ul style="list-style-type: none"> <li>○ Ground-mounted signs - 5' high maximum.</li> <li>○ Building-mounted signs – no higher than 20' or top of the roof, whichever is less.</li> </ul> </li> <li>▪ <i>Duration:</i> 120 day limit per sign; 90 day limit when two or more signs are displayed.</li> </ul>
<b>Pedestrian Sign</b>	<p>Permitted principal non-residential or multi-family uses (i.e. school, church, community center, apartments):</p> <ul style="list-style-type: none"> <li>▪ <i>Quantity:</i> 1 per each public building entrance</li> <li>▪ <i>Size:</i> 12 square feet maximum</li> <li>▪ <i>Location:</i> Mounted on a wall within 10' of the entrance, or mounted on the ground within 20' of the entrance feature; Pedestrian signs shall be no taller than 5 feet.</li> </ul>

## **18.09.060 Non-residential Signs**

### **A. Sign Types.**



### **B. Sign Allowances**

The following signs are permitted in the non-residential zoning districts (PF, C1, C2, C3, I1, I2 I3, 85-O, 85-RC-A, 85-RC-N, 85-RC-R). All Planned Unit Developments containing a non-residential component will also follow these standards.

**Table 18.09-2: Commercial District Sign Allowances**

<b>Wall Signs</b>	<ul style="list-style-type: none"> <li>▪ <i>Total Allowance:</i> Total square foot allowance based on the primary building frontage along the following street classifications: <ul style="list-style-type: none"> <li>○ Local: 1.5 square feet for each 1' of building frontage</li> <li>○ Collector 2 square feet for each 1' of building frontage;</li> <li>○ Arterial 2.5 square feet for each 1' of building frontage;</li> <li>○ Highway or Frontage Road: 2.5 square feet for each 1' of building frontage;</li> </ul> </li> <li>▪ <i>Size:</i> 200 square feet maximum for any one sign</li> <li>▪ <i>Quantity:</i> 1 per wall, plus up to 3 accessory signs. Accessory signs count toward the total sign allowance and are limited to no more than 20% of the total wall sign allowance each.</li> <li>▪ <i>Height:</i> No taller than the wall for flat roofs, or no taller than the roof deck or eave line for pitched roofs</li> </ul>
<b>Freestanding Signs</b>	<ul style="list-style-type: none"> <li>▪ <i>Total Allowance:</i> Total square foot allowance based on the lot frontage along street classifications: <ul style="list-style-type: none"> <li>○ Local: 1 square feet for each 1' of frontage; 150 square feet maximum</li> <li>○ Collector 1.15 square feet for each 1' of frontage; 300 square feet maximum</li> <li>○ Arterial 1.25 square feet for each 1' of frontage; 450 square feet maximum</li> <li>○ Highway or Frontage Road: 1.5 square feet for each 1' of frontage; 600 square feet maximum</li> </ul> </li> <li>▪ <i>Size:</i> 125 square feet maximum for any one sign</li> <li>▪ <i>Setback:</i> 10' from flow line, and on private property, whichever is greater</li> <li>▪ <i>Height:</i> 12' generally; except: <ul style="list-style-type: none"> <li>○ Up to 16' if setback at least 16'</li> <li>○ Up to 25' abutting a U.S. Highway, West Service Road, or 8th Avenue</li> <li>○ Up to 35' if setback at least 35' and abutting a U.S. Highway, West Service Road, or 8th Avenue</li> </ul> </li> <li>▪ <i>Minimum Separation:</i> <ul style="list-style-type: none"> <li>○ Pole signs: 50' from any pole sign on adjacent lot; 250' from any pole sign on same lot</li> <li>○ Monument signs: 50' from any sign on adjacent lot; 100' from any other monument sign.</li> </ul> </li> <li>▪ Freestanding Sign allowances may be allocated to a Gateway Sign as provided in Section 18.09.080.F.</li> </ul>
<b>Temporary Signs</b>	<ul style="list-style-type: none"> <li>▪ <i>Total Allowance:</i> 25 square feet total sign allowance, or 0.25 square feet for every 1' of street frontage for lots over 100' of frontage, up to a maximum of 100 square feet</li> <li>▪ <i>Size:</i> 16 square feet maximum for any one sign; 32 square feet for lots 100' to 200' of frontage; 48 square feet per sign for lots with over 200' of frontage</li> <li>▪ <i>Height:</i> 5' high maximum; or no higher than 20' or top of the roof, whichever is less if mounted on a building.</li> <li>▪ <i>Duration:</i> 120 day limit per sign; 90 day limit for period where more than 2 signs displayed.</li> </ul>
<b>Pedestrian Signs</b>	<p>Frontage Signs</p> <ul style="list-style-type: none"> <li>▪ <i>Quantity:</i> 1 per 50 feet of building frontage, or 1 per storefront tenant, whichever is greater.</li> <li>▪ <i>Size:</i> 6 square feet maximum</li> <li>▪ <i>Location:</i> Mounted directly on the surface of the wall, awning or canopy, or if hanging below, at least 7' 6" clear from the sidewalk below the sign.</li> </ul> <p>Building Entrance Signs</p> <ul style="list-style-type: none"> <li>▪ <i>Quantity:</i> 1 per primary business entrance</li> <li>▪ <i>Size:</i> 8 square feet maximum</li> <li>▪ <i>Location:</i> Mounted flush to the wall, or if projecting may project up to 4' off the wall but must be at least 7'6" clear form the sidewalk below the sign, and shall be within 10' of the entrance.</li> </ul>



**18.09.070 General Standards - All Signs****A. *Public Health, Safety and Maintenance.***

1. All signs shall be designed, constructed, located and maintained in a manner that is compliant with all other building and fire codes, and in no way presents any potential risk to public safety in the judgment of the Building Official, Fire Chief or the Community Development Director, or their designee.
2. No sign shall imitate or resemble government signs for traffic direction or any other public safety symbol.
3. No sign shall be placed in any sight distance triangle applicable to public streets, internal access streets, or driveway access points using the sight distance provisions of Section 15.58 Sight Distance of the Municipal Code.
4. No sign shall be placed within 5' of a fire hydrant.
5. Any sign projecting over a walkway or other active area in front of a building or other area where people may walk shall maintain at least 7' 6" vertical clearance.
6. All signs and any surrounding grounds or landscape, shall be maintained in good condition, free of any debris, weeds, disrepair or other unsightly conditions.
7. No sign, sign structure, or associated grounds shall present any dilapidated state or condition, or present any other property maintenance issues that may impact the appearance of the property from the public right-of-way or from adjacent property.

**B. *Specific Designs Prohibited.***

1. No sign shall be placed on any vehicle or trailer, when such vehicle or trailer is placed or parked visible from the right-of-way, and the sign deviates from the standards or criteria of this Chapter.
2. No sign shall be attached to any public utility pole or shall be installed within the right-of-way of a public road or street, except as permitted by the City or where specifically exempt from the right-of-way prohibition by this Chapter.
3. No sign shall include balloons, streamers, pennants or other air activated elements and animated elements, whether animated by mechanical, electrical, or environmental means.
4. Any sign with a business message shall be located on the lot of the business activity, except gateway signs, which must be associated with the site and located in common areas controlled by the businesses or property owners associations.
5. Changeable copy portions of signs shall not exceed 32 square feet, and be limited to 1 sign per business or institution. Except for Electronic Message Centers as provided in 18.09.080.E.

**C. *Illumination.***

1. Any illumination shall be designed to eliminate negative impacts on surrounding rights-of-way and properties. In general, any direct source of light shall not be visible from the public street or adjacent residential property.
2. External light sources shall be directed and shielded to limit direct illumination of any object other than the sign.
3. Light from an illuminated sign shall not spill onto adjacent properties. The light reading at any point within 10 feet from and adjacent private property shall be less than one foot-candle.
4. No light source shall cause any glare, movement or other distraction to traffic.
5. Exposed incandescent, neon or other tube lighting shall be limited to window signs mounted to the inside of the building, or as an accent of less than 10% of the sign area of other signs.

5. Signs within 100 feet and visible from any property used for single-family or two-family residential shall not be internally or directly illuminated between the hours of 10:00 PM and 6:00 AM.

### 18.09.080 Specific Sign Standards

The standards in this sections are supplemental standards, in addition to the general standards in Tables 18.09-1 and 18.09-2 and applicable to specific sign types.

- A. **Monument Signs.** Monument signs are subject to the following additional limitations:
  1. Monument signs shall be located within a landscape area at least 3 feet in all directions from the base of the sign.
  2. Monument signs shall have a base at least 75% of the width of the widest part of the sign. The base shall not count as part of the sign area provided it contains no messages or other component of the sign and is otherwise integrated into the site as a landscape feature.
  3. All monument signs and bases shall be constructed with durable, quality materials that complement the building and other site elements in terms of material, colors, and ornamentation.
  4. All monument signs shall be accompanied by a landscape plan that integrates the sign area into the overall site, softens the view and appearance of the structural elements, and otherwise improves the view of the sign and property from the streetscape.
- B. **Wall Signs.** Wall signs are subject to the following additional limitations:
  1. Signs attached to a building shall not extend vertically above the highest portion of the wall plane of the facade it is mounted on or the roofline, whichever is less. No portion of a building wall may be built above the roofline, that serves no other structural or architectural purpose, other than to mount a sign or expand the sign area allowance.
  2. Signs attached to a building shall not project more than 12 inches off the surface it is mounted on unless specifically exempt from this limit by this Chapter.
  3. Wall signs may project from and be perpendicular to the wall provided:
    - a. Only one projecting sign is permitted per building
    - b. The sign is no larger than 16 square feet.
    - c. Each sign face counts to the wall sign allowance.
    - d. The sign projects no more than 5 feet from the wall and is at least 8 feet above grade.
- C. **Temporary Signs.** Temporary signs are subject to the following additional limitations:
  1. Any temporary sign shall be placed with the permission of the property owner, and it is the responsibility of the person placing the sign and the property owner to ensure the sign meets all standards and is removed when the applicable display time limit has expired.
  2. Temporary signs shall not be illuminated or painted with a light-reflecting paint.
  3. Temporary signs shall be constructed of rigid material, designed to resist quick deterioration from the elements, and securely anchored so as not to pose a distraction or hazard to drivers. Non-rigid materials (such as banners) shall be secured by a support or frame to avoid distraction of flapping and set back at least 20 feet from the pavement edge of the fronting roadway, or may be attached securely to a building or structure.
  4. No temporary sign shall be displayed for more than 120 consecutive days, without 30 days intervening.
  5. The period of time when a property has more than two temporary signs displayed shall not be more than 90 days in a calendar year.

6. Relocation of a temporary sign, removal of the sign for a short period, or removal and replacement with a substantially similar sign does not expand the time period for the temporary sign.
  7. The Community Development Director, or their designee, shall be authorized to require the removal of any temporary sign that pertains to an expired event or refrain from enforcement any temporary sign related to an event that has been unexpectedly extended beyond the control of the owner.
- D. **Multi-tenant Buildings and Sites.**
1. All signs for multi-tenant buildings or sites shall require Sign Plan and Permit approved by the Community Development Director or their designee according to these standards and criteria.
  2. The sign plan shall demonstrate coordination of all signs on the building, allow sufficient flexibility for the replacement of signs or new tenants without the need for a new sign plan, unless a completely new sign design concept is proposed for the entire building or site.
  3. The wall sign allowance may be apportioned to any tenant with a separate exterior entrance. In the case where all tenants share a common entrance the wall sign allowance may be apportioned to no more than two signs per facade.
  4. The monument sign allowance for the building(s) and site shall meet the standards of 18.09.080.A, however the copy within the allowed sign may be apportioned to multiple tenants.
  5. The Community Development Director or their designee shall consider the intent of this Chapter and the objectives of the Design Guidelines in Section 18.09.100 in approving a Sign Plan and Permit. Deviations from the specific design guidelines or standards may be only approved through a Comprehensive Sign Plan specified in Section 19.09.090.
- E. **Electronic Message Signs.** Electronic message signs are subject to the following additional limitations:
1. Limited to commercially zoned property in the US 85 Districts. Electronic messages may be considered through a special use permit for allowed non-residential uses in other districts, provided it is limited to being an accessory component of an otherwise permitted sign.
  2. Limited to one per lot.
  3. The visible sign face shall be setback at least 250 feet from any adjacent residentially zoned property.
  4. Electronic Message Signs are only permitted on monument signs.
  5. The electronic portion / digital display area shall be limited to no more than 50% of the allowable sign area for any individual sign, not to exceed 32 square feet, whichever is less.
  6. There shall be a maximum of three colors used on each digital display.
  7. Automatic dimming controls shall limit the illumination to no more than 150 foot-lamberts at the sign surface at night or during low light times and at any point between sunset and sunrise, and no more than 2,000 foot-lamberts at the brightest daylight period.
  8. Only static display is permitted with at least 8 seconds between changes in display and no more than two seconds for transitions. No scrolling, flashing or animated transitions shall occur.
- F. **Gateway Signs.** Larger commercial properties and residential neighborhoods may be permitted gateway signs as provided in this section.

1. **Non-residential Gateway Signs.** Non-residential projects, through a Comprehensive Sign Plan, may allocate the allowed freestanding sign allowance to a gateway sign subject to the following:
  - a. Gateway signs shall meet the monument sign standards
  - b. Maximum height shall be no more than 16 feet.
  - c. Gateway signs shall be set back from the lot or parcel line at least 10', or at least the same as its height, whichever is greater.
  - d. Maximum area shall be no more than 200 square feet per sign
  - e. No more than one gateway sign per entrance and one per street intersection.
  - f. Gateways signs shall be located at least 200 feet from any other freestanding sign.
  - g. Gateway signs shall be located on the site of the non-residential use, or in a common area owned and controlled by a property or business association of the non-residential uses, provided there is a business or property owner's association to ensure on-going maintenance of the sign and landscape..
2. **Residential Gateway Signs.** Residential projects with more than 20 lots or more than 5 acres may be allowed a gateway sign subject to the following standards:
  - a. All residential gateway signs shall be monument signs, no higher than 6 feet
  - b. Gateway signs shall be limited to no more than 2 per entrance from a collector or arterial street, provided the entrances are separated by at least 300 feet.
  - c. Gateway signs shall be limited to:
    - (1) 24 square feet for entrances on a collector street;
    - (2) 48 square feet for entrances on an arterial street.
  - d. Gateway signs shall be set back from the lot or parcel line at least 10', or at least the same as its height, whichever is greater.
  - e. Gateway signs shall be located on the site of the residential use, or in a common area owned and controlled by a property or business association of the residential uses, provided there is a property manager or homeowner's association to ensure on-going maintenance of the sign and landscape.
- G. **Portable Pedestrian Signs.** Portable pedestrian signs ("A frame", "sandwich board" or "T-frame") may be placed in the public right-of-way, or areas a site associated with a service areas, for any permitted retail use provided:
  1. The sign is placed within 20 feet of the main entrance of the building or service area of a business.
  2. The sign is no larger than eight square feet and no taller than four feet high, and otherwise subject to the Pedestrian Sign limitations for the use, building and site.
  3. The sign is placed on or near a sidewalk, and otherwise associated with pedestrian routes to and from the business. The sign shall maintain at least six feet clear passage for pedestrians on the sidewalk, and is otherwise not put in any location that creates visual obstructions or safety hazards for users of the right-of-way.
  4. The sign is removed and brought inside during non-business hours.
  5. The sign is designed with durable materials and quality aesthetics for use on a recurring basis. Although changeable copy can be included as part of the design, such as chalkboards, signs designed as "temporary signs" are not eligible as a portable pedestrian signs, and the allowance for signs in the right-of-way specifically does not apply to any temporary sign.
  6. Any sign associated with mobile vendors or temporary structures shall only be placed in coordination with the standards of Section 18.05.030.D.5.

### 18.09.090 Comprehensive Sign Plan

Shopping centers, office parks or other multi-tenant non-residential projects with 4 or more buildings or 5 or more acres, or any PUD zoning, may propose a property specific sign plan. The sign package shall be based on the intent, types of signs, and standards of this Chapter, but the Planning Commission or City Council may approve deviations to these standards, associated with other land development approvals, where they find that the specific sign plan meets the following criteria:

- A. Promotes a unique character for the area, and improves the image and identity of the project as it relates to the surrounding community. In particular, the plan considers:
  - 1. Impacts and relationships to adjacent property not subject to the plan.
  - 2. Coordination with streetscapes, including pedestrian or traffic qualities of a particular street.
  - 3. Integration with the architecture of the buildings or other landscape and site design components of the site.
  - 4. Any deviations from these standards, and particularly those for the size, quantity, or location of signs, clearly meet the intent of this Chapter.
  - 5. Conformance with the Design Guidelines in Section 18.09.100
- B. Presents uniform designs to coordinate multiple components of the project, and where there are distinctions in the type and design of the signs, they are well-coordinated in light of the overall plan.
- C. The plan has clear and explicit standards for the size, location, design and quality of the signs, and it anticipates future tenants or changes in tenants without requiring amendments to the plan.
- D. The property owner or landlord has authorized the plan, and any changes to the plan will require the property or landlord to submit a new application to be approved by the Planning Commission.

### 18.09.100 Design Guidelines

All permanent signs shall be designed to convey durability and a quality appearance. Signs should meet the following design guidelines, and where the Community Development Director or their designee determines that a sign presents a substantial deviation from these standards and could conflict with the intent of this Chapter, the Director may require that the sign permit application be reviewed by the City Council or Planning Commission, according to the procedures of the associated land development application. In addition, these guidelines should be used in evaluating Comprehensive Sign Plans per section 18.09.090, or any other requested deviations from the standards in this Chapter.

- A. **Materials.** Materials, particularly for the frames, casings or bases of signs, should be chosen to compliment the architecture of the building, and coordinate with other accent materials or architectural details of the building. In general, natural construction materials such as wood, metals, ceramic, and stone should be used for frames of all wall signs and for bases of monument signs. Synthetic materials should only be used if they are designed to resemble the recommended natural materials. Plastic or acrylic is discouraged as the primary component of signs, except when used for sign panels that are accompanied by frames or individual letter casings that add architectural details to compliment the building.
- B. **Color.** Simple 2- and 3-color contrasting colors schemes should be used between the color of the background, letters, and accents to ensure legibility and quality appearances. Symbols and

logos may incorporate other colors. Colors or color combinations that interfere with the legibility of the sign copy should be avoided. Fluorescent colors should be limited to accents and typically less than 10% of the sign area.

- C. **Placement.** The location of all permanent signs should be incorporated into the architectural design of the building. Placement of signs should be considered part of the overall facade design. Sign locations should be carefully considered, and align with major architectural features such as marquees, building name plates, storefront sign bands, cornices and parapets, entrance features, windows, canopies and other similar architectural features.
- D. **Coordination of Multiple Signs.** Buildings that have multiple wall or ground signs should coordinate all signs for the building or site. Coordination may be established by combinations of two or more of the following:
1. The same fonts, in terms of color, scale, and style. However, a primary and secondary font may be incorporated into signs.
  2. The same sign background in terms of material and color or coordinated colors.
  3. The same casing or framing in terms of materials and style, provided it is prominent enough to be a visible coordinating element across multiple signs.
  4. A consistent scale, orientation, shape or placement of signs. For example, all oval signs, or all signs located within a sign band across storefronts.
  5. Other elements specific to a proposed sign package.
  6. Limited deviations in the consistency are allowed for:
    - a. Any one sign may reserve up to 33% of the sign area for logos or icons that are unique to the tenant and deviate from the consistency elements.
    - b. Any building with three or more significant tenant spaces, or other similar large building or sites, may have one gateway sign per facade that deviates from the consistency elements provided it is associated with a prominent point of entry or similar point of architectural emphasis.
    - c. Pedestrian signs may deviate according to section 18.09.100.E. below.
- E. **Pedestrian Signs.** Pedestrian signs should help create architectural variety and unique business identities from establishment to establishment. In multi-tenant buildings, pedestrian signs should be used to create interest and variety of the tenants, while overall building and site signs should create consistency and identity of the place and building.

### 18.09.110 Design and Construction Standards for all Signs

The design and construction of signs in all zoning districts are subject to the following requirements:

- A. **Design.**
1. Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified in this Section. Bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs supported on buildings, the dead and lateral loads shall be transmitted to the ground in a manner so as to avoid over stressing the elements of the structural frame. The overturning moment produced by lateral forces shall not exceed two-thirds (  $\frac{2}{3}$  ) of the dead-load resisting moment. Uplift due to overturning shall be resisted by proper anchorage to the ground or to the structural frame of the building. The weight of earth superimposed over footings may be used in



determining the dead-load resisting moment. Such earth shall be carefully placed and thoroughly compacted.

2. *Wind loads.* Signs and sign structures shall be designed and constructed to resist wind forces as specified in Chapter 16 of the building code.
3. *Seismic loads.* Signs and sign structures shall be designed and constructed to resist seismic forces as specified in Chapter 16 of the building code.
4. *Combined loads.* Wind and seismic loads need not be combined in the design of signs or sign structures; only the loading producing the larger stress need be used. Vertical design loads, except roof live loads, shall be assumed to be acting simultaneously with wind or seismic loads.
5. *Allowable stresses.* The design of wood, concrete, steel or aluminum members shall conform to the requirements of Chapters 19, 20, 21 and 22 of the building code. Loads, both vertical and horizontal, exerted on the soil shall not produce stresses exceeding those specified in Chapter 18 of the building code. The working stresses of wire rope and its fastenings shall not exceed twenty-five percent (25%) of the ultimate strength of the rope or fasteners. Working stresses for wind or seismic loads combined with dead loads may be increased as specified in Chapters 16 and 18 of the building code.

**B. Construction.**

1. *General.* Supports for signs or sign structures shall be placed in or upon private property and shall be securely built, constructed and erected in conformance with the requirements of this Code.
2. *Materials.* Materials utilized for signs and sign structures shall be of the quality and grade as specified for buildings in the building code. In signs and sign structures the materials and details of construction shall, in the absence of specified requirements, conform with the following:
  - a. Secondary members in contact with or directly supporting the display surface may be formed of light gauge steel, provided such members are designed in accordance with the specifications of the design of cold-formed steel as specified in the International Building Code and, in addition, shall be galvanized. Secondary members, when formed integrally with the display surface, shall be not less than 0.024 inch thick. When not formed integrally with the display surface, the minimum thickness of hot rolled steel members furnishing structural support for signs shall be one-quarter ( $\frac{1}{4}$ ) inch, except that, if galvanized, such members shall be not less than one-eighth ( $\frac{1}{8}$ ) inch thick. Steel pipes shall conform to the International Building Code. Steel members may be connected with not less than one (1) galvanized bolt, provided the connection is adequate to transfer the load to supporting members.
  - b. Anchors and supports of wood embedded in the soil, or within six (6) inches of the soil, shall be all heartwood of a durable species or shall be pressure treated with an approved preservative. Such members shall be marked or branded by an approved agency.
3. *Restrictions on combustible materials.* Freestanding or ground signs may be constructed of any material meeting the requirements of this Code. All other signs shall be constructed of noncombustible materials, except that nonelectric wall signs may be constructed of unprotected combustible materials on walls permitted to be of unprotected combustible construction. Combustible materials other than approved plastics shall not be used in the construction of electric signs.
4. *Nonstructural trim.* Nonstructural trim and portable display surfaces may be of wood, metal, approved plastics or a combination thereof.
5. *Anchorage.* Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either the horizontal or vertical directions, shall not exceed the safe values. Braced ground signs shall be anchored to resist specified wind

or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pullout amounting to a force twenty-five percent (25%) greater than the required resistance to overturning. Anchors and supports shall penetrate to a depth below ground greater than that of the frost line. Portable ground signs supported by frames or posts rigidly attached to the base shall be proportioned so that the weight and size of the base will be adequate to resist the wind loads specified in this Chapter. Signs attached to masonry, concrete or steel shall be safely and securely fastened by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support the loads applied. Wooden blocks or plugs or anchors with wood used in connection with screws or nails shall not be considered to provide anchorage, except for signs attached to wood framing. The anchorage or support of a sign shall not be connected to, or supported by, an unbraced parapet wall, unless the wall is designed in accordance with the requirements for parapet walls specified for seismic zones in the building code.

6. *Display surfaces.* Display surfaces of signs may be made of metal, glass or approved plastics. Glass thickness and area limitations shall be as set forth in the following table:

**Table 18.09-3 - Size, Thickness and Type of Glass Panels In Signs**

<i>Maximum size of exposed glass panel</i>		<i>Minimum thickness of glass (in inches)</i>	<i>Type of glass</i>
<i>Any dimension (in inches)</i>	<i>Area (in square inches)</i>		
30	500	1/8	Plain, plate or wired
45	700	3/16	plain, plate or wired
144	3,600	1/8	glass
Over 144	Over 3,600	¼	

- Sections of approved plastics on wall signs shall not exceed one hundred twenty-five (125) square feet in area.
- Sections of approved plastics on wall signs shall be separated three (3) feet laterally and six (6) feet vertically by required exterior wall construction.
- EXCEPTION: Sections of approved plastics on signs other than wall signs may not be required to be separated if approved by the Building Official.

7. *Approved plastics.* Substantiating data shall be submitted to the Building Official to justify the proposed use of plastic materials. If it is determined that the evidence submitted is satisfactory for the use intended, the use may be approved.

**C. Projection Clearance.**

1. *General.* Signs shall conform to the clearance and projection requirements of this Section.
2. *Clearance from high voltage power lines.* Signs shall be located not less than six (6) feet horizontally or twelve (12) feet vertically from overhead electrical conductors which are energized in excess of seven hundred fifty (750) volts. The term "overhead conductors" as used in this Section means an electrical conductor, either bare or insulated, installed above the ground, except when conductors are enclosed in iron pipe or other approved material covering of equal strength.
3. *Clearance from fire escapes, exits or standpipes.* Signs or sign structures shall not be erected in such a manner that a portion of their surface or supports will interfere with the free use of any fire escape, exit or standpipe.
4. *Obstruction of openings.* Signs shall not obstruct openings to the extent that light or ventilation is reduced to a point below that required by the International Building Code. Signs erected within five (5) feet of an exterior wall in which there are openings within the area of the sign shall be constructed of noncombustible material or approved plastics.

5. *Projection over public rights-of-way and alleys.* Signs or sign structures shall not project into public rights-of-way or alleys.
  6. *Clearance from streets.* Signs shall not project within two (2) feet of the curb line.
  7. *Clearance above driveways, parking lots and pedestrian ways.*
    - a. Signs shall not project over driveways, parking lots or similar areas of vehicular travel below a height of fourteen (14) feet above grade.
    - b. Signs shall not project over pedestrian ways below a height of eight (8) feet above grade.
- D. ***Electric Signs.***
1. ***General.*** Electric signs shall be constructed of noncombustible material, except as provided in this Section.
    - a. The enclosed shell of electric signs shall be watertight, except that service holes fitted with covers shall provide access into each compartment of the sign.
    - b. ***Installation.*** Electrical signs and equipment used in connection with such signs shall be installed in accordance with local ordinances regulating electrical installations and the electrical components used shall bear the label of an approved agency.
    - c. ***Erector's name.*** Electric signs shall have the name of the sign erector and date of erection included on the surface of the sign. The name and date shall be of sufficient size and contrast to be readable from a reasonable distance.

### **18.09.120 Violations**

- A. Violations of this Chapter are enforceable according to the provisions of Chapters 1.16 and 1.17 of the Evans Municipal Code.
- B. The responsible party or owner of any sign within the City that violates this Chapter shall remove such sign at the owner's own expense. Failure to perform such removal constitutes a violation of this Code and is subject to abatement by the City in accordance with Section 1.16.050.

## CITY OF EVANS

### NOTICE OF PUBLIC HEARING

NOTICE is hereby given, that the Evans City Council will hold Public Hearings on Tuesday May 25 starting at 6:00 P.M. before Planning Commission and on Tuesday June 15, 2021 and Tuesday July 6, 2021 starting at 7:00 P.M. before City Council at the Evans Community Complex, Council Chambers, 1100 37th Street, Evans, CO, to repeal and replace the Evans Sign Code located in Chapter 18.09 of the Municipal Code. The repeal and replacement will be adopted through Ordinance 745-21.

All persons interested in this matter may be present and may be heard. Any interested person may also file any objections to the proposed revision at any time prior to final adoption of the revision.

Additional information may be obtained from the Community Development Director, Anne Best Johnson, [abjohnson@evanscolorado.gov](mailto:abjohnson@evanscolorado.gov), 1100 37th Street, Evans, Colorado, between the hours of 8:00 am and 5:00 pm, Monday through Friday. The full packet and agenda information will be available for review at: [www.evanscolorado.gov](http://www.evanscolorado.gov)